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EDITED AND ANNOTATED BY
CLIVE F. MORTIMER

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CLIVE PARRY, LL.D.

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Treaty of Amity, Commerce and Navigation
between the Hanseatic Towns (Bremen,
Hamburg and Lubeck) and New Granada,
signed at Paris, 3 June 1854

THE texts of this Treaty are taken from *Tratados Publicos etc. de Venezuela*, vol. I, p. 260, and the English translation from *British and Foreign State Papers*, vol. LVIII, p. 595.

SPANISH TEXT

Habiéndose establecido desde algun tiempo relaciones de comercio entre la República de la Nueva Granada i las Ciudades libres Anseáticas, se ha creido útil que dichas relaciones sean confirmadas i protegidas por medio de un tratado de amistad, comercio i navegacion.

Con este objeto han nombrado sus respectivos Plenipotenciarios, a saber:

El Presidente de la República de la Nueva Granada, al señor Ezequiel Rójas, Encargado de Negocios de dicha República en Paris i en Lóndres; i el Senado de la República i Ciudad libre i Anseática de Lubeck, el Senado de la República i Ciudad libre i Anseática de Brémen i el Senado de la República i Ciudad libre i Anseática de Hamburgo cada una separadamente al señor Vicente Rumpff, Ministro residente de las Ciudades libres de Alemania en Paris, quienes despues de haberse comunicado sus plenos poderes, hallados en buena i debida forma, han convenido en los articulos siguientes:

Art. 1.º Habrá paz perfecta i amistad sincera e invariable entre la República de la Nueva Granada i las Repúblicas Anseáticas.

Art. 2.º Habrá igualmente entre la República de la Nueva Granada i las Repúblicas Anseáticas una recíproca libertad de comercio i navegacion.

En consecuencia, los ciudadanos de cualquiera de ellas podrán ir libre i seguramente con sus buques i cargamentos a todos aquellos parajes, puertos i rios en los territorios i dominios de la otra a los cuales se permite o permitiere ir a otros extranjeros; entrar, permanecer i residir en ellos; alquilar i ocupar casas i almacenes para los objetos de su comercio; quedando sinembargo sujetos a las leyes i estatutos de los respectivos paises.

Art. 3.º Los ciudadanos de las Repúblicas contratantes, residentes o transeuntes en los territorios de la otra, gozarán en sus personas i propiedades i en el ejercicio de su industria i de su relijion de la misma proteccion, seguridades, derechos i privilejios concedidos o que se concedieren a los ciudadanos o súbditos de la Nacion mas favorecida; tendrán libre i fácil acceso a los tribunales de justicia para sostener i defender sus derechos e intereses, bajo las condiciones impuestas a los naturales de la Re-

pública en que residan; no podrán ser obligados a servir en el ejército de tropas regulares o marinas, ni compelidos a contribuir a los empréstitos forzosos, ni a pagar otras o mayores contribuciones de cualquiera especie o denominacion que las que pagan o pagaren los ciudadanos del país en que se hallen. Tampoco podrán ser embargadas ni detenidas las embarcaciones, tripulaciones, mercaderías i efectos de su pertenencia para ninguna expedicion militar o usos públicos cualesquiera que sean, sin conceder a los interesados una suficiente indemnizacion.

Art. 4.º Los ciudadanos de las Repúblicas Anseáticas residentes en el territorio de la Nueva Granada, gozarán de perfecta e ilimitada libertad de conciencia i podrán ejercer su relijion pública o privadamente, tanto en casas particulares como en templos, capillas o cualesquiera otros lugares destinados al efecto, con tal que se guarde el respeto debido a las leyes, usos i costumbres del país. También tendrán derecho para enterrar a los ciudadanos de las Ciudades Anseáticas que mueran en territorio granadino en los cementerios o lugares designados al efecto, con acuerdo de las autoridades locales, i los funerales i sepulcros no serán trastornados de modo alguno ni por ningun motivo.

De la misma manera, los ciudadanos de la República de la Nueva Granada en el territorio de las Repúblicas Anseáticas gozarán de perfecta e ilimitada libertad de conciencia; podrán ejercer su relijion pública i privadamente en casas particulares, templos, capillas o cualesquiera otros lugares destinados al efecto, de conformidad con las leyes, usos i costumbres de las Repúblicas Anseáticas.

Art. 5.º Se ha convenido también en que los ciudadanos de cada una de las partes contratantes puedan disponer de sus bienes personales dentro de los límites de la jurisdiccion de la otra, por venta, donacion, testamento o por cualquier otro título; i sus herederos, siendo ciudadanos de la otra parte, sucederán en dichos bienes personales, ya sea por testamento o *ab-intestato*, i podrán tomar posesion de ellos, bien sea por sí mismos o por otros que obren por ellos, i disponer de los mismos segun su voluntad, pagando aquellas cargas solamente a que estuvieren sujetos en igual caso los habitantes del país donde se hallen los dichos bienes. Si dichos herederos fuesen impedidos de entrar en la posesion de bienes raices, por razon

de su calidad de extranjeros, se les dará el término de tres años para disponer de ellos como juzguen conveniente.

Art. 6.º En todo lo relativo a la policía de los puertos, carga i descarga de los buques, seguridad de mercaderías, bienes i efectos, los ciudadanos de las partes contratantes estarán sujetos a las leyes i ordenanzas locales, i tambien gozarán de los mismos derechos i privilegios que los habitantes del pais en que residan.

Art. 7.º Recíprocamente serán considerados i tratados como buques granadinos i anseáticos todos los que fueren reconocidos por tales en los paises a que respectivamente pertenezcan segun las leyes i los reglamentos existentes o que en adelante se promulgaren, bien entendido que todo buque deberá estar provisto de una carta de mar o pasaporte espedido por la autoridad competente.

Art. 8.º Los buques de la Nueva Granada que arriben a los puertos de las Repúblicas Anseáticas, i recíprocamente, los buques anseáticos que arriben a los puertos de la República de la Nueva Granada, serán tratados i considerados a su entrada, durante su permanencia i a su salida, como buques nacionales procedentes del mismo lugar, para el cobro de los derechos de tonelada, anclaje, pilotaje, fanal i cualesquiera otros de puerto, municipales, emolumentos de los empleados públicos, i los derechos de salvamento en caso de naufragio o avería.

I para los efectos de este artículo, como para los demas que comprenden el presente tratado, se declara: que por puertos granadinos i anseáticos deben entenderse los habilitados por las leyes de las respectivas Repúblicas para la importacion i esportacion, o los que en adelante se habiliten.

Art. 9.º Todas las mercaderías i efectos comerciables, sin distincion de oríjen, cuya importacion sea permitida en los puertos de la República de la Nueva Granada en buques granadinos procedentes de cualquier pais extranjero, podrán tambien importarse en buques anseáticos, sin pagar otros o mayores derechos de cualquiera especie o denominacion que los que pagan o pagaren las mismas mercaderías i efectos comerciables importados en buques granadinos; i recíprocamente, todas las mercaderías i efectos comerciables, sin distincion de oríjen, cuya importacion sea permitida en los puertos de las Repúblicas Anseáticas en buques anseáticos procedentes de cualquier pais extranjero, podrán tambien importarse en buques granadinos, sin pagar otros o mayores derechos de cualquiera especie o denominacion que los que pagan o pagaren las mismas mercaderías i efectos comerciables importados en buques anseáticos.

Lo estipulado en este artículo no contradice ni deroga las leyes que rijan en cualesquiera de las Repúblicas contratantes, con respecto al cabotaje o al comercio costanero. Pero queda convenido que los ciudadanos de las partes contratantes gozarán en este particular de todos los derechos concedidos o que se concedieren a la Nación mas favorecida.

Art. 10. Todas las mercaderías i efectos comerciables, cuya esportacion o reesportacion sea permitida de los puertos de la República de la Nueva Granada en buques granadinos, podrán tambien ser esportados o reesportados en buques anseáticos, sin pagar otros o mayores derechos de cualquiera especie o denominacion que los que pagan o pagaren las mismas mercaderías i efectos comerciables esportados en buques granadinos; i recíprocamente, todas las mercaderías i efectos comerciables cuya esportacion o reesportacion sea permitida de los puertos de las Repúblicas Anseáticas en buques anseáticos, podrán tambien ser esportados o reesportados en buques granadinos, sin pagar otros o mas altos derechos de cualquiera especie o denominacion que los que pagan o pagaren las mismas mercaderías i efectos comerciables esportados en buques anseáticos.

I los mismos premios, descuentos de derechos o gratificaciones se concederán, sea que la esportacion o reesportacion de uno u otro pais se haga en buques granadinos o anseáticos.

Art. 11. No se pagarán en los territorios de la República de la Nueva Granada, ni en los de las Repúblicas Anseáticas, otros o mayores derechos de cualquiera especie o denominacion a la importacion o a la reesportacion de cualesquiera artículos de producto natural o manufacturado de uno u otro pais, que los que se pagan o pagaren sobre semejantes artículos del producto natural o manufacturado de cualquiera otra Nación.

Ademas se estipula, que deberán considerarse i reputarse para los efectos de este artículo, como productos naturales o manufacturados anseáticos, todos los de los Estados de la Confederacion jermánica que se esporten de los puertos anseáticos; i como productos naturales o manufacturados granadinos, todos los que se esporten de los puertos de la Nueva Granada.

Art. 12. No se pagarán en la República de la Nueva Granada ni en las Repúblicas Anseáticas otros o mayores derechos de cualquiera especie o denominacion, a la esportacion que de una de ellas se haga para la otra, que los que se pagan o pagaren a la esportacion de estos artículos para cualquier pais extranjero; ni se prohibirá en ninguna de las Repúblicas contratantes la importacion, esportacion o reesportacion de ningun artí-

culo de produccion natural o manufacturado de los respectivos paises, a ménos que esta prohibicion se estienda al comercio con todas las Naciones.

Art. 13. La República de la Nueva Granada i las Repúblicas Anseáticas se obligan mutuamente a no conceder favores particulares a otras Naciones con respecto a comercio i navegacion, que no se hagan inmediatamente comunes a una i otra parte, quien gozará de ellos libremente, si la concesion fuese hecha libremente, o prestando la misma compensacion si la concesion fuere condicional.

Art. 14. Siempre que los ciudadanos de alguna de las partes contratantes se vieren precisados a buscar refugio o asilo en los rios, bahías, puertos o dominios de la otra, con sus buques, por mal tiempo, persecucion de piratas o enemigos, serán recibidos i tratados con humanidad, dándoles todo favor i proteccion para reparar los daños sufridos, procurar víveres i ponerse en situacion de continuar su viaje sin obstáculo o estorbo de ningun jénero.

En todos los territorios i dominios de una de las dos partes, se concederá a los buques de la otra cuya tripulacion haya sido disminuida por enfermedad o cualquier otro motivo, la facultad de enganchar los marineros que necesiten para continuar su viaje, con tal que se cumpla con lo que prescriben las ordenanzas locales, i que el enganche sea voluntario.

Art. 15. Cuando algun buque perteneciente a ciudadanos de alguna de las partes contratantes naufrague, encalle o sufra alguna avería en las costas o dentro de los dominios de la otra, se le dará toda ayuda i proteccion como lo usa i acostumbra toda Nacion donde suceda la avería con sus propios buques, permitiéndoles la descarga si fuere necesario, sin cobrar por ello ningun derecho, impuesto o contribucion, a ménos que las mercaderías i efectos descargados se destinen al consumo.

Art. 16. Todos los buques, mercaderías i efectos pertenecientes a los ciudadanos de una de las partes contratantes, que sean apresados por piratas, bien sea dentro de los límites de su jurisdiccion o en alta mar, i fueren llevados o hallados en los rios, radas, bahías, puertos o dominios de la otra, serán entregados a sus dueños, probando estos en la propia i debida forma sus derechos ante los Tribunales competentes; bien enten-

dido que el reclamo ha de hacerse dentro del término de un año por las mismas partes, sus apoderados o agentes de los respectivos Gobiernos.

Art. 17. En el caso que una de las partes contratantes se halle en guerra, mientras que la otra permanezca neutral, se ha convenido que todo lo que la parte beligerante hubiere estipulado o estipulare de favorable al pabellon neutral con otras potencias, servirá tambien de regla entre la República de la Nueva Granada i las Repúblicas Anseáticas. I para evitar cualquiera duda acerca de lo que deba ser considerado como contrabando de guerra, se ha convenido (salvo el principio jeneral espresado arriba) en designar como tal los artículos siguientes:

1.º Cañones, morteros, obuses, pedreros, trabucos, mosquetes, fusiles, rifles, carabinas, pistolas, picas, espadas, sables, lanzas, chuzos, alabardas i granadas, bombas, pólvora, mechas, balas, con las demas cosas correspondientes al uso de estas armas;

2.º Escudos, casquetes, corazas, cotas de malla, fornituras i vestidos hechos en forma i a usanza militar;

3.º Bandoleras i caballos junto con sus armas i arneses;

4.º I finalmente toda especie de armas o instrumentos de hierro, acero, bronce, cobre, i otras materias cualesquiera manufacturadas, preparadas i formadas para hacer la guerra por mar o por tierra.

Art. 18. En el caso de que algun buque mercante de una de las partes contratantes pueda ser visitado por un buque de guerra de la otra, se ha convenido que esta visita no se haga sino con un bote armado con los hombres necesarios para su manejo, quedando el buque visitador fuera de tiro de cañon. El exámen de los papeles deberá precisamente practicarse a bordo del buque visitado, del cual no podrán sacarse ni exijirse al Capitan u oficiales que vayan a bordo del buque examinador bajo ningun pretesto.

Los Comandantes de los buques armados serán responsables con su persona i bienes por la infraccion de estas reglas, i de cualquiera conducta irregular e injusta.

Art. 19. Para evitar toda duda i abuso en el exámen de los papeles relativos a la propiedad de los buques pertenecientes a ciudadanos de las partes contratantes i de la naturaleza de los cargamentos, han convenido : que en el caso de que una de ellas estuviere en guerra, las letras de mar

o pasaporte que deban llevar los buques conforme al artículo 7.º de este tratado, han de espresar el nombre, propiedad i tamaño del buque, como tambien el nombre i lugar de la residencia del Maestre o Comandante; i ademas han de estar provistos de certificados que contengan los pormenores del cargamento i el lugar de donde salió, cuyos certificados seran hechos por las autoridades correspondientes del lugar de su procedencia en la forma acostumbrada. No podrá ser detenido el buque neutral por defecto de los requisitos mencionados ni por otro alguno, respecto a la propiedad o naturaleza de su cargamento, si ántes de su salida no se tenia conocimiento en el lugar de su procedencia de la declaracion de guerra.

Art. 20. Se ha convenido, ademas, que solo los tribunales establecidos para causas de presas en el pais a que estas sean conducidas, tomarán conocimiento de ellas.

I siempre que dichos tribunales de cualquiera de las partes, pronuncien sentencia contra algun buque o efectos o propiedad reclamada por los ciudadanos de la otra, la sentencia o decreto hará mencion de las razones o motivos en que aquella se haya fundado, i se entregará sin demora alguna al Comandante o Ajente de dicho buque, si lo solicitare, un testimonio auténtico de la sentencia o decreto, o de todo el proceso, pagando por él los derechos legales.

Art. 21. Para la mayor seguridad de los ciudadanos de las Repúblicas contratantes, se ha convenido: que si en algun tiempo hubiere desgraciadamente rompimiento entre ellas, i que en consecuencia se interrumpiesen las buenas relaciones i la correspondencia comercial, los ciudadanos de cualquiera de las dos partes contratantes, residentes en los dominios de la otra, tendrán el derecho de permanecer i continuar en el ejercicio de su industria, mientras se conduzcan pazíficamente i no quebranten las leyes; i sus efectos i propiedades, ya estén confiados a individuos particulares o al Estado, no estarán sujetos a ocupacion o secuestro, ni a ningunos otros gravámenes que aquellos que puedan imponerse a iguales efectos o propiedades pertenecientes a ciudadanos del pais en que residan.

Art. 22. Los Agentes diplomáticos de ámbas partes gozarán de los mismos favores, inmunidades, esenciones i privilejios que estén concedidos o se concedieren por las Repúblicas contratantes a los Agentes diplomáticos de la Nacion mas favorecida.

Art. 23. Las partes contratantes podrán establecer Cónsules o Vice-cónsules en los puertos i lugares de los respectivos territorios abiertos al comercio extranjero, en donde estén admitidos o se admitieren los de cual-

quiera otra Nacion, los cuales gozarán de los mismos derechos, prerogativas e inmunidades que se hayan concedido o se concedieren a los Cónsules o Vice-cónsules de la Nacion mas favorecida. Los archivos i papeles de los Consulados serán respetados inviolablemente, i bajo ningun pretesto los ocupará majistrado alguno ni tendrá en ellos ninguna intervencion.

Para que los Cónsules i Vice-cónsules de las dos partes contratantes puedan gozar de los derechos, prerogativas e inmunidades que les corresponden por su carácter público, ántes de entrar en el ejercicio de sus funciones presentarán su comision i patente, en la forma debida, al Gobierno de la República en que las hayan de ejercer, i habiendo obtenido el *exequatur*, serán tenidos i considerados como tales por las autoridades, majistrados i habitantes del distrito consular en que residan.

Art. 24. Los dichos Cónsules tendrán el poder de requerir el auxilio de las autoridades locales, para la prision, detencion i custodia de los desertores de los buques de su pais, i con este objeto se dirigirán a las autoridades competentes i pedirán los dichos desertores por escrito, probando con la presentacion de los registros de los buques, rol de la tripulacion u otros documentos públicos, que aquellos hombres forman parte de dichas tripulaciones; i probada así la demanda no se rehusará la entrega. Tales desertores, luego que sean arrestados, se pondrán a disposicion de los dichos Cónsules i pueden ser depositados en las prisiones públicas a solicitud i espensas de los que los reclamen, para ser enviados a los buques a que corresponden o a otros de la misma Nacion.

Pero si no fueren mandados dentro de dos meses contados desde el dia de su arresto, serán puestos en libertad i no volverán a ser presos por la misma causa.

Art. 25. En consideracion a las conexiones nacional i política existentes entre las Repúblicas Anseáticas i los otros Estados de la Confederacion jermánica, i siendo mui importante a todas las partes contratantes, que las estipulaciones de la presente convencion sean estendidas lo mas pronto posible a todos los Estados de la dicha Confederacion, queda ademas convenido, que si uno o mas de los dichos Estados se hallasen dispuestos a adherirse al presente convenio con la República de la Nueva Granada,

la accesion será siempre libre i abierta a ellos, sea bajo la forma de una distinta convencion o solo por medio de canje de declaraciones oficiales.

Art. 26. Si alguno o algunos de los ciudadanos de una u otra parte infrinjieren cualquiera de los artículos contenidos en el presente tratado, dichos ciudadanos serán personalmente responsables, sin que por esto se interrumpa la armonía i buena correspondencia entre los Gobiernos respectivos, comprometiéndose uno i otro a no proteger de modo alguno al ofensor, o sancionar semejante violacion.

Art. 27. Si (lo que a la verdad no puede esperarse) desgraciadamente alguno o algunos de los artículos contenidos en el presente tratado fueren de cualquiera otra manera violados o infrinjidos, se estipula espresamente que ninguna de las dos partes contratantes ordenará ni autorizará ningunos actos de represalia ni declarará la guerra contra la otra por quejas de injurias o daños, hasta que la parte que se crea ofendida haya presentado a la otra una esposicion de aquellas injurias o daños verificada con pruebas i testimonios competentes, exijiendo justicia i satisfaccion, si esta ha sido negada o diferida sin razon.

Art. 28. El presente tratado será perpétuamente obligatorio en todo lo relativo a paz i amistad, i en los puntos concernientes a comercio i navegacion permanecerá en su fuerza i vigor por el término de doce años contados desde el dia del canje de las ratificaciones. Sinembargo de lo dicho, si ninguna de las partes notificase a la otra un año ántes de espirar el término de su validacion su intencion de terminarlo, continuará siempre obligatorio para ámbas partes hasta un año despues de haberse notificado la espresada intencion.

Art. 29. Aunque el presente tratado sea comun a las tres Repúblicas Anseáticas de Lubeck, de Brémen i de Hamburgo, se ha convenido tambien en que los Gobiernos soberanos de estas Ciudades no serán responsables *in solidum*, i en que las estipulaciones del tratado quedarán en pleno vigor, relativamente al resto de dichas Repúblicas, aunque llegue a cesar respecto de cualquiera de ellas.

Art. 30. El presente tratado de amistad, comercio i navegacion, luego que sea ratificado por el Gobierno de la República de la Nueva Granada i por los Senados de las Repúblicas Anseáticas, las ratificaciones serán canjeadas en Bogotá o Hamburgo, en el término de dos años contados desde este dia o ántes si fuere posible.

En fe de lo cual, nosotros los Plenipotenciarios de las partes contratantes hemos firmado i sellado el presente tratado en cuádruplo en la ciudad de Paris a 3 de junio del año del Señor de 1854.

(L. S.) — EZEQUIEL RÓJAS.

(L. S.) — V. RUMPF.

ACTA DE CANJE

DEL TRATADO DE AMISTAD, COMERCIO I NAVEGACION ENTRE LA NUEVA GRANADA

I LAS CIUDADES ANSEÁTICAS.

Reunidos hoi en la oficina de la Secretaría de Relaciones Exteriores de la Nueva Granada los infrascritos, comisionados i debidamente autorizados por los Gobiernos de las respectivas partes contratantes, con el objeto de canjear las ratificaciones del tratado de amistad, comercio i navegacion entre la República de la Nueva Granada i las Ciudades libres i Anseáticas de Lubeck, Brémen i Hamburgo, firmado en Paris el dia 3 de junio de 1854, procedieron a verificar el cotejo de los actos de ratificacion espeditos por el Poder Ejecutivo de la Nueva Granada i por los Senados de dichas Ciudades Anseáticas; i hallándolos conformes, se hicieron canje i mútua entrega de ellos, conviniendo al mismo tiempo en dejar constancia en la presente acta de los dos hechos siguientes:

1.º Que las partes contratantes, informadas de la aprobacion comun de dicho tratado, se habian otorgado recíprocamente toda la próroga de plazo necesaria para su canje.

2.º Que en el testo bilingüe de los actos de ratificacion están correjidos ciertos errores caligráficos notados en los orijinales que se trasmitieron a los Senados de las Ciudades Anseáticas.

En fe de lo cual, firman por cuádruplicado la presente acta de canje, i la sellan con sus sellos particulares, en Bogotá, a 28 de marzo de 1857.

El Secretario de Relaciones Exteriores, (L. S.) — LINO DE POMBO.

El Cónsul jeneral de Dinamarca, (L. S.) — CÁRLOS MICHELSEN.

GERMAN TEXT

Nachdem sich seit einiger Zeit zwischen den Hanse Städten und der Republik von Neu Granada Handelsverbindungen gebildet, hat es sich als nützlich herausgestellt, die gedachten Verbindungen durch einen Freundschafts-Handels-und Schiffahrts-Vertrag zu bekräftigen und sicher zu stellen.

Zu solchem Zwecke haben zu ihren respectiven Bevollmächtigten ernannt, nämlich:

Der Senat der Republik und freien Hansestadt Lübeck, der Senat der Republik und freien Hansestadt Bremen und der Senat der Republik und freien Hansestadt Hamburg, für jede allein, den Herrn Vincent Rumpff, Minister-Residenten der freien Städte Deutschlands zu Paris, und der Präsident der Republik von Neu Granada, den Herrn Ezequiel Rojas, Geschäftsträger der genannten Republik zu Paris und London, welche, nachdem sie sich ihre Vollmachten mitgetheilt und solche in guter gehöriger Form befunden haben, über die folgenden artikel übereingekommen sind.

Art. 1. Zwischen den hanseatischen Republiken und der Republik von Neu Granada soll vollständiger Friede und eine aufrichtige und unwandelbare Freundschaft bestehen.

Art. 2. Ebenso soll zwischen den hanseatischen Republiken und der Republik von Neu Granada gegenseitige Freiheit des Handels und der Schifffahrt stattfinden. Dem zur folge dürfen die beiderseitigen Bürger frei und sicher mit ihren Schiffen und Ladungen nach allen Küsten, Häfen und Flüssen und Gebiete des andern Theils fahren, wohin es anderen Fremden zu fahren gestattet ist oder künftig gestattet werden wird, dort landen, verweilen und sich niederlassen, Häuser und Magazine zum Zweck ihres Handels miethen und besitzen, wobei sie gleichwohl den in den beiderseitigen Gebieten geltenden Gesetzen und Statuten unterworfen bleiben.

Art. 3. Die Bürger der contrahirenden Republiken, welche in dem Gebiete des andern Theiles wohnen oder sich vorübergehend aufhalten, geniessen für ihre Person und Güter, sowie in der Ausübung ihrer Gewerbe und ihrer Religion desselben Schutzes, derselben Bürgschaften, Rechte und Vorechte, wie sie den Bürgern und Unterthanen der am meisten begünstigten Nation gewährt sind oder werden gewährt werden, sie erhalten freien und leichten Zugang zu den Gerichten zum Zweck der

Geltendmachung und Vertheidigung ihrer Rechte und Interessen, unter den Bedingungen, wie sie den Einwohnern der Republik, in der sie verweilen, auferlegt sind; sie können zum Dienste in regulären Heeren oder auf der Flotte nicht verpflichtet, noch genöthigt werden, zu gezwungenen Anleihen beizutragen, noch andern oder höhern Steuern, von welcher Art und Benennung es sei, zu zahlen, als die Bürger des Landes, in welchem sie sich befinden, jetzt oder künftig zu entrichten haben. Ebenso wenig dürfen die ihnen zugehörenden Schiffe, Mannschaften, Waaren und Effecten zu irgend einer militairischen Expedition, oder irgend welchen sonstigen öffentlichen Zwecken, welcher Art sie sein mögen, in Beschlag genommen oder angehalten werden, ohne den Betheiligten dafür eine hinreichende Entschädigung zuzugestehen.

Art. 4. Die in dem Gebiete der Republik von Neu Granada wohnenden Bürger der hanseatischen Republiken sollen eine völlige und unbeschränkte Gewissensfreiheit genießen und dürfen ihre Religion öffentlich oder privatim, sowohl in Privathäusern als auch in Kirchen, Kapellen, oder in irgend welchen sonstigen, zu diesem Zwecke bestimmten Orten ausüben, unter der Bedingung, dass den Gesetzen, Gewohnheiten und Gebräuchen des Landes die gehörige Achtung erwiesen werde. Ebenmässig sind sie berechtigt, die auf dem Gebiete der Republik von Neu Granada verstorbenen Bürger der hanseatischen Republiken auf den dazu mit Zustimmung der Lokal-Behörden eingeräumten Begräbniszplätzen oder sonstigen Oertlichkeiten zur Erde zu bestatten, und sollen die Bestattungen und Begräbnisse auf keine Weise und um keinerlei Beweggrundes willen gestört werden.

In gleicher Art sollen auch die Bürger der Republik von Neu Granada in dem Gebiete der hanseatischen Republiken einer völligen und unbeschränkten Gewissensfreiheit genießen und ihre Religion öffentlich oder privatim, in Privathäusern, Kirchen, Kapellen oder irgend sonstigen zu dem Zwecke bestimmten Oertlichkeiten ausüben dürfen, in Uebereinstimmung mit den Gesetzen, Gewohnheiten und Gebräuchen der hanseatischen Republiken.

Art. 5. Auch ist ferner vereinbart, dass die Bürger eines jeden der contrahirenden Theile über ihre innerhalb der Gerichtsbarkeit des andern Theils befindlichen persönlichen Güter durch Verkauf, Schenkung, Testament oder auf irgend welche rechtliche Art es sonst sein möge, verfügen können, und sollen deren Erben, wenn sie Bürger des andern Theiles sind, in die Erbschaft solcher persönlicher Güter, sei es durch Testament oder *ab intestato*, eintreten, solche selbst oder durch Bevollmächtigte in Besitz nehmen und darüber nach Willkühr verfügen dürfen, unter Entrichtung nur derjenigen Abgaben, denen in gleichem Falle die Einwohner des Landes, in welchem solche Güter befindlich,

unterworfen sind. Sollten derartige Erben wegen ihrer Eigenschaft als Fremde verhindert sein, in den Besitz von liegenden Gründen zu gelangen, so wird ihnen ein Termin von drei Jahren zugestanden, um darüber nach Gutbefinden zu disponiren.

Art. 6. In Allem, was sich auf die Hafenpolizei, Landung und Löschung der Schiffe, Sicherheit der Waaren, Güter und Effecten bezieht, sind die Bürger der contrahirenden Theile den Gesetzen und Lokal-Verordnungen unterworfen, und geniessen dieselben Rechte und Privilegien, wie die Einwohner des Landes, in dem sie sich befinden.

Art 7. Als hanseatische oder granadische Schiffe werden gegenseitig alle diejenigen betrachtet und behandelt werden, welche in Gemässheit der bestehenden oder zu erlassenden Gesetze und Vorschriften in den Staaten, denen sie angehören, als solche anerkannt werden, wohlverstanden, dass jedes Schiff mit einem von der zuständigen Behörde ausgefertigten Seebriefe oder Passe versehen sein muss.

Art. 8. Die in die Häfen der Republik von Neu Granada einlaufenden hanseatischen, sowie gegenseitig die in die hanseatischen Häfen einlaufenden neu granadischen Schiffe sollen eingehend, während ihres Aufenthaltes und ausgehend, in Betreff der Zahlung von Tonnengeld, Lootsgeld, Leuchtgeld und jeder sonstigen Hafen oder Munizipal-Abgabe, wie auch hinsichtlich der Gebühren öffentlicher Beamten und der Bergungsabgaben bei Schiffbruchs- oder Havariefällen ebenso angesehen und behandelt werden, wie die von demselben Platze kommenden nationalen Schiffe.

Und wird hinsichtlich der Ausführung dieses, als auch der andern in diesem Vertrage enthaltenen artikel erklärt, dass unter hanseatischen und granadischen Häfen die durch die Gesetze der respectiven Republiken für die Einfuhr und Ausfuhr bereits geöffneten oder fernerhin zu öffnenden Häfen verstanden werden.

Art. 9. Alle Waaren und Handelsgegenstände, ohne Unterschied des Ursprungs deren Einfuhr in die Häfen der hanseatischen Republiken in hanseatischen aus irgend einem fremden Lande kommenden Schiffen erlaubt ist, dürfen gleichfalls in granadischen Schiffen eingeführt werden, ohne andere oder höhere Abgaben irgend einer Art zu entrichten, als von den nämlichen Waaren und Handelsgegenständen, in hanseatischen Schiffen eingeführt, zu entrichten sind oder sein werden; und anderseits dürfen alle Waaren und Handelsgegenstände, ohne Unterschied des Ursprungs, deren Einfuhr in die Häfen der Republik von Neu Granada in granadischen aus irgend einem fremden Lande kommenden Schiffen erlaubt ist, ebenmässig in hanseatischen Schiffen eingeführt werden, ohne andere oder höhere Abgaben irgend einer Art zu entrichten, als von dem nämlichen Waaren and Handelsgegenständen, in granadischen Schiffen eingeführt, zu entrichten sind oder sein werden.

Durch das in diesem Artikel bestimmte wird den Gesetzen, welche in jeder der Republiken die Küstenfahrt und den Küstenhandel betreffen, weder widersprochen, noch denselben Abbruch gethan. Es ist aber vereinbart, dass die Bürger der contrahirenden Theile in dieser Beziehung aller der Rechte geniessen sollen, die der am meisten bevorzugten Nation zugestanden werden.

Art. 10. Allen Waaren und Handelsgegenständen, deren Ausfuhr oder Wiederausfuhr aus den Häfen der hanseatischen Republiken in hanseatischen Schiffen erlaubt ist, dürfen ebenfalls in granadischen Schiffen ausgeführt werden, ohne andere oder höhere Abgaben irgend einer Art oder Benennung zu entrichten, als von den nämlichen Waaren oder Handelsgegenständen bei der Ausfuhr oder Wiederausfuhr in hanseatischen Schiffen jetzt oder künftig entrichtet werden, und andererseits dürfen alle Waaren und Handelsgegenstände, deren Ausfuhr oder Wiederausfuhr aus den Häfen der Republik von Neu Granada in granadischen Schiffen erlaubt ist, ebenmässig in hanseatischen Schiffen ausgeführt oder wieder ausgeführt werden, ohne andere oder höhere Abgaben irgend einer Art oder Benennung zu entrichten, als von den nämlichen Waaren und Handelsgegenständen bei der Ausfuhr in granadischen Schiffen jetzt oder künftig bezahlt werden.

Auch werden die nämlichen Prämien, Rückzölle und Vergütungen zugestanden, mag nun die Ausfuhr oder Wiederausfuhr von dem einen oder dem andern Lande in hanseatischen oder granadischen Schiffen geschehen.

Art. 11. Es sollen weder in den Gebieten der hanseatischen Republiken, noch in denen der Republik von Neu Granada andere oder höhere Abgaben irgend einen Art oder Benennung bei der Einfuhr oder Wiederausfuhr von Producten oder Fabrikaten des einen oder des andern Landes erhoben werden, als von den gleichen Producten oder Fabrikaten irgend welcher anderen Nation jetzt oder künftig erhoben wird.—Für die Wirksamkeit dieses Artikels wird ausserdem bestimmt, dass ebenso auch alle aus den hanseatischen Häfen verführten Producte oder Fabrikate der Staaten des deutschen Bundes als Erzeugnisse der hanseatischen Freistaaten, sowie gegenseitig als Producte und Fabrikate der Republik von Neu Granada alle diejenigen angesehen und geachtet werden sollen, deren Ausfuhr aus den Häfen von Neu Granada geschieht.

Art. 12. Weder in den hanseatischen Republiken, noch in der Republik von Neu Granada werden andere oder höhere Abgaben irgend welcher Art oder Benennung bei der von dem einem Lande nach dem andern stattfindenden Ausfuhr entrichtet, als die, welche jetzt oder künftig für die Ausfuhr solcher Artikel nach irgend welchem fremden Lande zu entrichten sind; auch soll in keiner der contrahirenden

Republiken die Einfuhr, Ausfuhr oder Wiederausfuhr von Natur und Kunst-Erzeugnissen der betreffenden Länder verboten werden; es sei denn, dass solches Verbot sich auf den Handel mit allen Nationen erstrecke.

Art. 13. Die hanseatischen Republiken und die Republik von Neu Granada verpflichten sich gegenseitig, anderen Nationen in Bezug auf Handel und Schifffahrt keine besondern Vorzüge zuzugestehen, welche nicht sofort dem einen oder dem anderen Theile ebenfalls zugestanden werden, welcher dann solcher Vorzüge unentgeltlich theilhaftig wird, falls das Zugeständniss unentgeltlich gemacht werden sollte, oder aber unter der Leistung desselben Ersatzes, falls das Zugeständniss an Gegenleistungen gebunden wäre.

Art. 14. So oft sich die Bürger eines der contrahirenden Theile genöthigt sehen in den Flüssen, Buchten, Häfen, oder Gebieten des andern mit ihren Schiffen wegen schlechten Wetters oder Verfolgung durch Piraten oder Feinde Schutz zu suchen, sollen sie mit Freundschaft aufgenommen und behandelt und ihnen jede Begünstigung und jeder Schutz erwiesen werden, um die erlittenen Schäden zu repariren, Lebensmittel anzuschaffen und sich zur Fortsetzung ihrer Reise in den Stand zu setzen, ohne Hinderniss oder Belästigung irgend welcher Art.

In allen Territorien und Gebieten des einen der beiden Theile wird den Schiffen des anderen Theiles, deren Mannschaft durch Krankheiten oder andern Ursachen vermindert worden, verstattet, die ihnen zur Fortsetzung der Reise erforderlichen Seeleute anzuwerben, jedoch unter Beobachtung der in den Lokal-Verordnungen enthaltenen Vorschriften und unter der Bedingung, dass der Eintritt in den Dienst ein freiwilliger sei.

Art. 15. Falls irgend ein, Bürgern eines der contrahirenden Theile zugehöriges Schiff an den Küsten oder innerhalb des Gebietes des andern Theils Schiffbruch leiden, stranden oder von sonstiger Havarie betroffen werden sollte, so wird demselben jede Hülfe und jeder Schutz in demselben Maasse bewilligt werden, wie es in dem Lande, wo die Havarie stattfindet, für die eigenen Schiffe üblich und gebräuchlich ist, wobei ihnen frei gegeben wird, wenn es erforderlich, die Ladung zu löschen, ohne dafür irgend eine Auflage, Abgabe oder Contribution zu bezahlen; es sei denn, dass die entlöschten Waaren oder Effecten dem Verbrauche übergeben würden.

Art. 16. Alle den Bürgern eines der contrahirenden Theile angehörigen Schiffe, Waaren und Effecten, die von Seeräubern genommen wurden, sei dies innerhalb der Grenzen der jurisdiction des andern Theiles oder auf hoher See geschehen und welche demnächst nach den Flüssen, Röhden, Buchten, Häfen oder Besitzungen des andern Theiles gebracht oder daselbst angetroffen werden, sollen, nach gehörig und vor den competenten Gerichten geführtem Beweise ihrer Rechte den Eigenthümern wieder

zugestellt werden, wohl verstanden jedoch, dass die Reclamation binnen Jahresfrist durch die Betheiligten, deren Bevollmächtigten oder durch die Agenten der respectiven Regierungen angebracht werden muss.

Art. 17. Für den Fall, dass einer der contrahirenden Theile sich im Kriege befände, während der andere neutral verbliebe, ist ausgemacht, dass Alles was die kriegführende Partei mit anderen Mächten zu Gunsten der neutralen Flagge verabredet haben sollte oder verabreden würde, auch zwischen den Hanseatischen Republiken und der Republik von Neu Granada als Regel dienen wird. Um jeden Zweifel darüber zu vermeiden was als Gegenstände der Kriegscontrabande anzusehen sei, so ist, unbeschadet des vorhin ausgesprochenen allgemeinen Grundsatzes, vereinbart, als solche die folgenden Artikel zu bezeichnen:

1 — Kanonen, Mörser, Haubitzen, Steinstücke, Doppelhaken, Musketen, Flinten, Büchsen, Carabiner, Pistolen, Piken, Degen, Säbel, Lanzen, Spiesse und Hellebarden, Granaten, Bomben, Pulver, Luntten, Kugeln und alle anderen auf den Gebrauch dieser Waffen sich beziehenden Gegenstände;

2 — Schilde, Helme, Kürasse, Panserhemden und für den Militairgebrauch eingerichtete und bestimmte Ausrüstungen und Kleidungsstücke;

3 — Bandeliere und Pferde mit dazu gehörigen Waffen und Geschirr;

4 — Und endlich alle Arten von Waffen und Werkzeugen von Eisen, Stahl, Bronze, Kupfer und irgend sonstigen Waffen, welche für den Kriegsgebrauch zu Wasser oder zu Lande angefertigt, zubereitet und geformt sind.

Art. 18. Für den Fall dass ein Kauffahrtheischiff des einen der contrahirenden Theile von einem Kriegsschiffe des anderen visitirt würde, ist vereinbart worden, dass eine solche Untersuchung nur mittelst eines, mit nicht mehr als der zur Führung derselben erforderlichen Mannschaft besetzten Bootes geschehen darf, während sich das visitirende Kriegsschiff ausserhalb Kanonen Schussweite zu halten hat. Die Prüfung der Schiffspapiere darf durchaus nur an Bord des visitirten Schiffes vorgenommen werden, und dürfen weder solche mitgenommen werden, noch der Capitain oder dessen Offiziere unter irgend welchem Vorwande genöthigt werden, an Bord des untersuchenden Schiffes zu gehen. Die Befehlshaber der bewaffneten Schiffe sind mit ihrer Person und ihrem Vermögen für jeden Bruch dieser Vorschriften und für jedes denselben zuwiderlaufende und ungerechte Verfahren verantwortlich.

Art. 19. Um jedem Zweifel und Missbrauche bei der Prüfung der Papiere, welche sich auf das Eigenthum der den Bürgern der contrahirenden Theile gehörenden Schiffe und auf die Beschaffenheit der Ladungen beziehen, vorzubeugen, ist vereinbart, dass im Falle der eine derselben

sich im Kriege befinden sollte, die Seebriefe oder Pässe, welche die Schiffe nach Art. 7 dieses Vertrages zu führen haben, den Namen, das Eigenthum und den Gehalt des Schiffes, so wie ferner den Namen und Wohnort des Schiffers oder Führers enthalten und überdiess von Certificaten begleitet sein müssen, welche den Inhalt der Ladung und den Abgangsort des Schiffes angeben; diese Certificate müssen durch die betreffenden Behörden des Abgangsortes in der gebräuchlichen Form ausgestellt sein.

Das neutrale Schiff darf wegen Mangels der vorerwähnten, oder anderen auf das Eigenthum oder die Beschaffenheit seiner Ladung bezüglichen Erfordernisse nicht aufgehalten werden, wenn an dem Orte, von welchem es kommt, vor seiner Abreise die Kriegserklärung noch nicht bekannt, geworden war.

Art. 20. Es ist ferner vereinbart, dass nur die in dem Lande, nach welchem die Prisen geführt werden, für Prisen-Sachen eingesetzten Gerichte in solchen Sachen erkennen sollen.

Und jedes Mal, wenn die gedachten Gerichte eines der contrahirenden Theile gegen ein von den Bürgern des andern reclamirtes Schiff, Gut oder Eigenthum Urtheil abgeben, muss solches Urtheil oder Decret die Entscheidungsgründe oder Motive, auf die es basirt worden, angeben und muss ohne irgend einen Verzug dem Führer oder Agenten solchen Schiffes, falls er es verlangt, eine beglaubigte Ausfertigung des Urtheils oder Decretes oder des ganzen Verfahrens gegen Zahlung der gesetzlichen Gebühren mitgetheilt werden.

Art. 21. Zu grösserer Sicherheit für die Bürger der contrahirenden Republiken ist vereinbart, dass, falls zu irgend einer Zeit unglücklicher Weise zwischen diesen ein Bruch entstehen sollte und in Folge dessen die zwischen ihnen bestehenden freundschaftlichen Handelsbeziehungen eine Unterbrechung erfahren würden, die Bürger eines jeden der contrahirenden Theile, welche sich auf dem Gebiete des anderen aufhalten, das Recht haben sollen zu bleiben und ihr gewerbe fortzusetzen, vorausgesetzt, dass sie sich friedlich verhalten und die Gesetze nicht verletzen; wären ihre Güter und ihr Eigenthum bereits Privatpersonen oder dem Staate anvertrauet, so sollen solche nicht in anderer Weise mit Beschlag belegt, confiscirt oder sonst belästigt werden, als solches den Gütern und dem Eigenthum der Bürger des Landes, in dem sie leben, widerfährt.

Art. 22. Die diplomatischen Agenten beider Theile geniessen der nämlichen Begünstigungen, Freiheiten und Vorrechte, welche von den contrahirenden Republiken den diplomatischen Agenten der am meisten bevorzugten Nation zugestanden werden.

Art. 23. Die contrahirenden Theile dürfen in allen, dem ausländischen Handel geöffneten Häfen und Orten der respectiven Territorien, woselbst Consuln oder Vice-Consuln irgend einer andern Nation zugelassen sind

oder werden, ebenfalls Consuln ernennen, welchen die nämlichen Rechte, Vorzüge und Freiheiten zustehen, die den Consuln oder Vice-Consuln der am meisten bevorzugten Nation eingeräumt sind oder werden möchten. Die Archive und Papiere der Consulate werden als unverletzlich betrachtet, und soll keine Obrigkeit irgend welcher Art solche unter irgend welchem Vorwande in Beschlag nehmen, noch auf irgend eine Weise sich mit denselben befassen.

Damit die Consuln und Vice-Consuln der beiden contrahirenden Theile der Rechte, Vorzüge und Freiheiten, die ihnen zufolge ihres öffentlichen Characters zukommen, theilhaftig werden können, müssen sie, bevor sie ihre Functionen antreten, der Regierung der Republik, in welcher sie solche auszuüben haben, ihre Ernennung und ihr Patent in gehöriger Form überreichen und werden sie, sobald sie das Exequatur erlangt haben, als solche von den Behörden, Obrigkeiten und Einwohnern des von ihnen bewohnten Consulats-Districtes anerkannt und demgemäss behandelt werden.

Art. 24. Die erwähnten Consuln sind befugt, die Hülfe der Ortsbehörden zur gefänglichen Einziehung, Anhaltung und Verwahrung der Deserteurs von Schiffen ihres Landes in Anspruch zu nehmen und werden sie zu solchem Zwecke sich in Betreff solcher Deserteurs an die competenten Behörden mit einem schriftlichen Ansuchen wenden, indem sie mittelst Vorlegung der Register, der Musterrolle oder anderer öffentlichen Documente solcher Schiffe beweisen, dass dergleichen Leute einen Theil der Schiffsbesatzung bilden, und soll, nach solchergestalt beigebrachtem Beweise die Auslieferung nicht verweigert werden. Solche Deserteurs werden nach geschehener Verhaftung zur Verfügung der Consuln gestellt und können auf Anhalten und auf Kosten derer, welche sie reclamiren, in den öffentlichen Gefängnissen zurück gehalten werden, bis zur Auslieferung an die Schiffe, denen sie angehören oder an andere Schiffe derselben Nation.

Würden sie aber innerhalb zweier Monate, von dem Tage ihrer Verhaftung an gerechnet, nicht abgefordert, so werden sie in Freiheit gesetzt und um derselben Sache halber nicht abermals verhaftet.

Art. 25. In Betracht der nationalen und politischen Verbindungen, welche zwischen den hanseatischen Freistaaten und den übrigen Staaten des Deutschen Bundes bestehen und des hohen Interesses, welches sämtliche contrahirenden Staaten daran haben, dass die Bestimmungen des gegenwärtigen Vertrags sich bald thunlichst über den ganzen Umfang des Deutschen Bundes erstrecken mögen, ist man übereingekommen für den Fall, dass einer oder mehrere der genannten Bundes-Staaten als selbstständige Contrahenten dem gegenwärtigen Vertrage mit der Republik von Neu Granada beizutreten wünschen sollten, ein solcher Beitritt,

möge er nur in der Form eines besonderen Vertrags, oder nur mittelst Austausches officieller Declarationen geschehen, denselben jeder zeit offenstehen solle.

Art. 26. Im Falle einer oder mehrere Bürger des einen oder des andern Theiles irgend einem der in diesem Tractate enthaltenen Artikel zuwider handeln würden, so werden dafür die erwähnten Bürger persönlich verantwortlich sein, ohne dass deshalb die zwischen den respectiven Regierungen bestehende Eintracht und das gute Vernehmen gestört würde, indem man sich gegenseitig verpflichtet, den Schuldigen in keiner Weise zu beschützen oder dergleichen Verletzungen gut zu heissen.

Art. 27. Sollte (was in Wahrheit nicht vorauszusetzen ist) beklagenswerther Weise einer oder mehre der in diesem Verträge enthaltenen Artikel auf irgend eine sonstige Weise verletzt oder ihnen entgegen gehandelt werden, so wird ausdrücklich festgesetzt, dass keiner der beiden contrahirenden Theile irgend welche Represalien anordnen oder genehmigen, noch auch wegen Klagen über erlittene Beleidigungen oder Schäden den Krieg erklären wird, ehe und bevor nicht derjenige Theil, welcher sich für den verletzten erachtet, dem anderen Theile eine auf competente Beweise und Zeugnisse begründete Darstellung solcher Beleidigungen und Schäden überreicht haben und ihm die verlangte Gerechtigkeit und Schadloshaltung ohne Grund verweigert oder vorenthalten sein wird.

Art. 28. Der gegenwärtige Vertrag soll in Allem, was Friede und Freundschaft betrifft, für immer bindend sein, und in den auf Handel und Schifffahrt bezüglichen Punkten soll er für die Dauer von zwölf Jahren, vom Tage der Auswechselung der Ratificationen an gerechnet, in Kraft verbleiben. Es wird jedoch, wenn kein Theil dem andern ein Jahr vor Ablauf dieser Frist seine Absicht, ihn zu beendigen, kund thut, seine verbindliche Kraft ununterbrochen bis nach Verlauf eines Jahres nach geschehener Ankündigung fortbestehen.

Art. 29. Wiewohl der gegenwärtige Vertrag den drei hanseatischen Republiken Lübeck, Bremen und Hamburg gemeinschaftlich ist, so ist doch vereinbart, dass die von einander unabhängigen Regierungen dieser Städte nicht in *solidum* verantwortlich sind, und dass die Stipulationen dieses Vertrages volle Kraft behalten sollen für den übrigbleibenden Theil der genannten Republiken, falls solcher für irgend eine denselben ausser Wirksamkeit treten würde.

Art. 30. Sobald der gegenwärtige Freundschafts-Handels- und Schifffahrts-Vertrag durch die Senate der hanseatischen Republiken und durch die Regierung der Republik von Neu Granada ratificirt worden sein wird, werden die Ratificationen in Bogotá oder Hamburg ausgewechselt werden innerhalb des Zeitraumes zweier Jahre, vom heuftigen Tage an gerechnet oder früher, wenn solches möglich sein würde.

Dessen zur Urkunde haben wir die Bevollmächtigten der contrahirenden Theile in der Stadt Paris den gegenwärtigen Vertrag in *quadruplo* unterzeichnet und besiegelt.

So geschehen zu Paris den dritten juni des Jahres des Heils Eintausend Achthundert Vier und Fünfzig.

(gez.) — V. RUMPF.

(gez.) — EZEQUIEL RÓJAS.

ENGLISH TRANSLATION

[Ratifications exchanged at Bogotá, March 28, 1857.]

WHEREAS commercial relations have been for some time past established between the Hanse Towns and the Republic of New Granada, and it is considered to be advantageous that the said relations should be confirmed and secured by a Treaty of Friendship, Commerce, and Navigation. For this purpose they have appointed as their respective Plenipotentiaries, namely :

The Senate of the Republic and Free Hanse Town of Lubeck, the Senate of the Republic and Free Hanse Town of Bremen, and the Senate of the Republic and Free Hanse Town of Hamburg, each for itself alone, Herr Vincent Rumpff, Resident Minister of the Free Towns of Germany at Paris ; and the President of the Republic of New Granada, Señor Ezequiel Rójas, Chargé d'Affaires of the said Republic in Paris and in London.

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles :

ART. I. There shall be perfect peace and sincere and unchangeable friendship between the Hanseatic Republics and the Republic of New Granada.

II. There shall likewise be reciprocal freedom of commerce and

navigation between the Hanseatic Republics and the Republic of New Granada. In consequence whereof, the citizens of each party may freely and securely proceed with their ships and cargoes to all the coasts, ports, and rivers in the territory of the other, whereto other foreigners are or shall hereafter be allowed to proceed, to enter, remain, and reside therein, to hire and possess houses and warehouses for the purposes of their trade, being always subject, however, to the laws and statutes in force in the respective territories.

III. The citizens of any of the Contracting Republics who reside in the territories of the other party, or stop there in their passage through them, shall enjoy for their persons and property, as well as in the exercise of their calling and their religion, the same protection, securities, rights, and privileges, as are granted, or may be granted, to the citizens and subjects of the most favoured nation; they shall have free and easy access to the courts of justice for the assertion and defence of their rights and interests, on the same conditions as are imposed on the natives of the Republic in which they are staying; they cannot be compelled to serve in the regular army nor in the navy, nor be obliged to contribute to forced loans, nor to pay other or higher taxes of any kind or denomination than those which the citizens of the country in which they are, do now, or may hereafter pay. Neither can the ships, crews, goods, and effects belonging to them be embargoed or detained for any military expedition or for any public purposes whatsoever, without the grant of a sufficient compensation to the parties concerned.

IV. The citizens of the Hanseatic Republics residing in the territory of New Granada shall enjoy perfect and unrestricted freedom of conscience; and they may practice their religion publicly or privately, in private houses as well as in churches, chapels, or any other places whatever intended for the purpose, on condition that due respect be paid to the laws, usages, and customs of the country. They are likewise entitled to bury such citizens of the Hanseatic Republics as may die in the territory of the Republic of New Granada, in the burying-places or other localities appointed for the purpose with the consent of the local authorities, and neither the funerals nor the graves shall be disturbed in any way or for any cause.

In the same manner the citizens of the Republic of New Granada shall enjoy in the territory of the Hanseatic Republics, perfect and unrestricted freedom of conscience, and practice their religion publicly or privately in private house, churches, chapels, or any other places intended for the purpose, in conformity with the laws, usages, and customs of the Hanseatic Republics.

V. It is likewise further agreed that the citizens of each of the Contracting Parties may dispose of their personal property which is within the jurisdiction of the other party, by sale, donation, will,

or in any other legal way soever, and their heirs, if they are citizens of the other party, shall inherit such personal property, whether by will or from intestacy, and dispose of it as they please, paying only such charges as the inhabitants of the country in which the property is are subject to in the same case. Should such heirs be unable, on account of their condition as foreigners, to enter into possession of real property, the term of 3 years will be allowed to them, so that they may dispose of it as they think fit.

VI. The citizens of the Contracting Parties shall be subject to the laws and local ordinances in everything relating to the police of the ports, the loading and unloading of vessels, the security of merchandise, goods, and effects, and shall enjoy the same rights and privileges as the inhabitants of the country in which they are.

VII. Vessels shall be reciprocally considered and treated as Hanseatic or Granadian, which are acknowledged as such in the countries to which they respectively belong, in accordance with laws and regulations already existing or hereafter to be promulgated, on the understanding, however, that each vessel must be provided with a sea-letter or passport issued by the competent authority.

VIII. Hanseatic ships arriving in the ports of the Republic of New Granada, and, reciprocally, New Granadian ships arriving in the Hanseatic ports, shall be considered and treated at their entrance, during their stay, and at their departure, in regard to the payment of tonnage, pilotage, and lighthouse dues, harbour and municipal dues, as well as in regard to the fees of public officers, and salvage-dues in cases of shipwreck or damage, exactly the same as national ships coming from the same place.

And it is declared, with reference to the execution of this as well as of the other articles contained in this Treaty, that by Hanseatic and Granadian ports are understood those which are already open or which may hereafter be opened for importation and exportation, according to the laws of the respective Republics.

IX. All goods and articles of commerce, without distinction of origin, the importation whereof is allowed in the ports of the Hanseatic Republics, in Hanseatic ships coming from any foreign country whatever, may likewise be imported in Granadian ships, without paying other or higher duties of any kind soever, than are paid or may be paid for the same goods and articles of commerce imported in Hanseatic ships; and on the other hand, all goods and articles of commerce, without distinction of origin, the importation whereof is allowed in the ports of the Republic of New Granada, in Granadian ships coming from any foreign country whatever, may likewise be imported in Hanseatic ships, without paying other or higher duties of any kind soever than are paid or may be paid for the same goods and articles of commerce imported in Granadian ships.

The laws of each of the Contracting Republics respecting coasting voyages and the coasting trade are not to be contravened or infringed by the provisions of this article. But it is agreed that the citizens of the Contracting Parties shall enjoy in this respect all the rights which are granted to the most favoured nation.

X. All goods and articles of commerce, the exportation or re-exportation whereof is allowed from the ports of the Hanseatic Republics in Hanseatic ships, may likewise be exported in Granadian ships, without paying other or higher duties of any kind or denomination whatever, than are now or may hereafter be paid for the same goods or articles of commerce on their exportation or re-exportation in Hanseatic ships; and, on the other hand, all goods and articles of commerce, the exportation or re-exportation whereof is allowed from the ports of the Republic of New Granada in Granadian ships, may likewise be exported or re-exported in Hanseatic ships, without paying other or higher duties of any kind or denomination whatever, than are now or may hereafter be paid for the same goods and articles of commerce on their exportation in Granadian ships.

The same premiums, drawbacks, and compensations shall also be allowed, whether the exportation or re-exportation from either country take place in Hanseatic or Granadian ships.

XI. Neither in the territories of the Hanseatic Republics nor in those of the Republic of New Granada shall other or higher duties of any kind or denomination whatever be levied on the importation or re-exportation of the productions or manufactures of either country, than are now or may hereafter be levied on the like productions or manufactures of any other nation whatever. It is further stipulated that as for the effects of this Article all productions or manufactures of the States of the German Confederation conveyed from the Hanseatic ports are to be considered and reputed as productions of the Hanseatic Free States, so reciprocally, all those which are exported from the ports of New Granada are to be considered and reputed as productions and manufactures of the Republic of New Granada.

XII. Neither in the Hanseatic Republics nor in the Republic of New Granada shall other or higher duties of any kind or denomination whatever be paid on exportation from the one country to the other than are now or may hereafter be paid for the exportation of the like articles to any foreign country whatever; nor shall the importation, exportation, or re-exportation of the natural and artificial productions of the respective countries be prohibited in any of the contracting Republics, unless such prohibition be extended to the trade with all nations.

XIII. The Hanseatic Republics and the Republic of New Granada reciprocally undertake not to grant any special favours to

other nations in regard to trade and navigation, which shall not be immediately granted likewise to each other, and such favours shall be enjoyed free of cost, if the grant has been made free of cost, or on rendering the same compensation if the grant has been conditional.

XIV. Whenever the citizens of one of the Contracting Parties may be under the necessity of seeking shelter in the rivers, bays, ports, or dominions of the other with their ships, on account of bad weather or pursuit by pirates or enemies, they shall be received and treated in a friendly manner, and every favour and protection shall be afforded to them to enable them to repair the damages suffered, to procure provisions, and to put themselves in a condition to continue their voyage without obstacle or molestation of any kind whatever. In all the territories and dominions of one of the two parties, the ships of the other, whose crews have been reduced by sickness or any other cause shall be allowed to engage as many sailors as they require to continue their voyage, provided they comply with the local regulations, and that the engagement be voluntary.

XV. In case a ship belonging to citizens of one of the Contracting Parties should be wrecked, run aground, or suffer any other damage on the coasts or within the dominions of the other party, every aid and all protection shall be afforded to it, to the same extent as is usual and customary for the national ships in the country where the accident happens; granting leave to unload the ship, if necessary, without requiring the payment of any duty, impost, or contribution on that account, unless the unladen goods or effects should be intended for consumption.

XVI. All ships, goods, and effects belonging to citizens of one of the Contracting Parties which are captured by pirates, whether within the limits of the other party's jurisdiction or on the high seas, and which are afterwards brought to or found in the rivers, roadsteads, bays, ports, or possessions of the other party, shall be delivered to their owners who have proved their right thereto before the competent courts, but on the understanding that the parties concerned must make their claim within the term of a year, either themselves or by their attorneys, or the agents of the respective Governments.

XVII. In case one of the Contracting Parties should be at war while the other remains neutral, it is agreed that whatever the belligerent party shall have stipulated or should stipulate with other Powers in favour of the neutral flag shall also serve as the rule between the Hanseatic Republics and the Republic of New Granada. And in order to prevent any doubt as to what are to be considered articles contraband of war, it is agreed, without prejudice to the general principle above expressed, that the following articles are to be so considered:

1. Cannons, mortars, howitzers, swivel guns, blunderbusses, muskets, fire-locks, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, and halberds, grenades, shells, gunpowder, matches, shot, and all other articles appertaining to the use of these arms:

2. Shields, helmets, cuirasses, coats of mail, and equipments and apparel made and intended for military use;

3. Bandoleers and horses, with the arms and trappings appertaining thereto;

4. And finally, all kinds of arms and implements of iron, steel, bronze, copper, and other materials whatever, manufactured, prepared, and formed for warlike purposes on land or water.

XVIII. In case any merchant ship of one of the Contracting Parties should be visited by a ship of war of the other, it has been agreed that such visitation shall only be made by a boat with no more men than are necessary for its management, whilst the visiting ship of war is to keep beyond cannon-shot. The examination of the ship's papers can only take place on board the visited ship, and they must not be taken away, nor must the captain or his officers be required to go on board the visiting ship on any pretext whatever.

The commanders of armed ships are responsible in person and property for any breach of these regulations, and for any unjust proceedings in contravention of them.

XIX. To prevent any doubt or abuse in the examination of the papers relative to the ownership of the ships belonging to citizens of the Contracting Parties, and to the nature of the cargoes, they have agreed that in case one of them should be at war, the sea-letters or passports which the ships are to carry, according to Article VII of this Treaty, must set forth the name, the ownership, and the burthen of the ship, as well as the name and residence of the master or commander, and they must be accompanied besides by certificates stating the contents of the cargo, and the place from whence the ship comes; these certificates must be issued in the customary form by the proper authorities of the said place of departure.

A neutral ship must not be detained for want of the aforesaid or other requirements relative to the ownership or the nature of its cargo, if the declaration of war was not known at the place from which it comes before its departure.

XX. It is moreover agreed that only the courts established for the adjudication of prizes in the country to which they are brought, shall take cognizance in such cases.

And whenever the said courts of one of the Contracting Parties shall pass sentence against a ship, or goods, or property claimed by citizens of the other, such sentence or decree must state the grounds or reasons upon which the decision is founded, and an authenticated

copy of the sentence or decree, or of the whole proceedings, must be delivered without any delay to the master or agent of the ship, if he require it, on payment of the legal dues.

XXI. For the greater security of the citizens of the Contracting Parties, it is agreed that if at any time there should unfortunately be a rupture between them, and that in consequence thereof the friendly relations and commercial intercourse between them should be interrupted, the citizens of either of the Contracting Parties, who may be residing in the territory of the other, shall have the right of remaining and continuing the exercise of their business, provided that they behave peaceably and do not infringe the laws; and any of their effects or property that may have been entrusted to private persons or to the State shall not be sequestered, confiscated, or otherwise encumbered, any more than the effects and property of the citizens of the country in which they are living.

XXII. The diplomatic agents of the two parties shall enjoy the same favours, immunities, exemptions and privileges as are granted by the Contracting Parties to the diplomatic agents of the most favoured nation.

XXIII. The Contracting Parties shall be at liberty to appoint Consuls or Vice-Consuls in the ports and towns of the respective territories open to foreign commerce, where those of any other nation are or shall be admitted, and they shall enjoy the same rights, prerogatives and immunities as have been or shall be conceded to the Consuls or Vice-Consuls of the most favoured nation. The archives and papers of the consulates shall be considered inviolable, and no magistrate shall seize them or interfere with them in any way on any pretext whatever.

In order that the Consuls and Vice-Consuls of the Contracting Parties may enjoy the rights, prerogatives, and immunities which belong to them in their public character, they must, before entering upon the exercise of their functions, present their commission and patent in due form to the Government of the Republic in which they are to act, and when they have obtained the exequatur, they shall be held and considered as such by the authorities, magistrates, and inhabitants of the district in which they reside.

XXIV. The said Consuls shall have the right of requiring the aid of the local authorities for the apprehension, detention, and custody of deserters from the vessels of their country, and for this purpose they must apply to the competent authorities in writing, demanding the said deserters, and proving by the exhibition of the ship's registers, the roll of the crew, or other public documents, that those men formed part of the said crews, and on that demand with such proof, the delivery must not be refused. Such deserters when arrested are to be placed at the disposal of the said Consuls, and

they may be confined in the public prisons, at the request and expense of those who claim them, till they can be sent to the vessels which they belong or to others of the same nation.

But if they should not be sent away within two months, reckoned from the day of their arrest, they shall be set at liberty, and they shall not be apprehended again for the same cause.

XXV. In consideration of the national and political connexions existing between the Hanseatic Republics and the other States of the German Confederation, and as it is very important to all the Contracting Parties, that the stipulations of the present Convention should be extended as soon as possible to all the States of the said Confederation, it is moreover agreed that if one or more of the said States should be disposed to accede to the present Treaty with the Republic of New Granada, the accession shall always be free and open to them, either by way of a distinct Treaty, or by means of an exchange of official declarations.

XXVI. If one or more citizens of either party should infringe any of the Articles contained in this Treaty, the said citizens shall be personally responsible, without any interruption on that account of the harmony and good understanding between the respective Governments, each engaging not to protect the offender in any way, or to sanction such violation.

XXVII. If (though it is really not to be expected) unfortunately one or more of the Articles contained in the present Treaty should be violated or infringed in any other manner, it is expressly stipulated that neither of the two Contracting Parties will order or authorise any acts of reprisal, or declare war against the other for complaints of injuries or damages, until the party which considers itself offended has presented to the other a statement of such injuries or damages, with sufficient proofs and evidence thereof, and requiring justice and satisfaction, and these have been denied or deferred without reason.

XXVIII. The present Treaty shall be obligatory for ever in all that relates to peace and friendship, and in the points concerning commerce and navigation it shall continue in force and vigour for the term of 12 years reckoned from the day of the exchange of the ratifications. Nevertheless, if neither of the parties should notify to the other one year before the expiration of the term of its validity, the intention to put an end to it, it shall always remain obligatory for both parties until a year after the said intention has been notified.

XXIX. Although the present Treaty is common to the 3 Hanseatic Republics of Lubeck, of Bremen, and of Hamburg, it has also been agreed that the Sovereign Governments of those cities shall not be responsible *in solidum*, and that the stipulations of the Treaty

shall remain in full vigour for the others of the said Republics, although it may cease in respect to any one of them

XXX. When the present Treaty of Friendship, Commerce, and Navigation shall have been ratified by the Senates of the Hanseatic Republics, and by the Government of New Granada, the ratifications shall be exchanged at Bogotá or Hamburg, within two years from this date, or before, if possible.

In faith whereof we, the Plenipotentiaries of the Contracting Parties, have signed and sealed the present Treaty in quadruplicate, in the city of Paris, on the 3rd of June, in the year of our Lord, 1854.

V. RUMPF.

EZEQUIEL ROJAS.

Treaty regarding the North Atlantic Fisheries,
Commercial Reciprocity etc., between Great
Britain and the United States,
signed at Washington, 5 June 1854

THE text of this Treaty is taken here from Miller, *Treaties and other International Acts of the United States*, vol. VI, p. 667, who takes it from the United States archives. The Treaty, which was denounced by the United States on 17 March 1866, is printed also in *Parliamentary Papers*, 1854-5, vol. LV, p. 367; *British and Foreign State Papers*, vol. XLIV, p. 25; *Hertslet's Commercial Treaties*, vol. IX, p. 998; by Martens, *Nouveau Recueil Général*, vol. XVI(1), p. 498; Martens et de Cussy, *Recueil Manuel et Pratique des Traités*, vol. VII, p. 338; and Malloy, *Treaties etc. between the United States and Other Powers*, p. 668.

ENGLISH TEXT

The Government of the United States being equally desirous with Her Majesty the Queen of Great Britain to avoid further misunderstanding between their respective citizens and subjects, in regard to the extent of the right of fishing on the coasts of British North America, secured to each by Article I. of a convention between the United States and Great Britain, signed at London on the 20th day of October, 1818; and being also desirous to regulate the commerce and navigation between their respective territories and people, and more especially between Her Majesty's Possessions in North America and the United States in such manner as to render the same reciprocally beneficial and satisfactory, have respectively named Plenipotentiaries to confer and agree thereupon—that is to say, the President of the United States of America, William L. Marcy, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, James, Earl of Elgin and Kincardine, Lord Bruce, and Elgin, a Peer of the United Kingdom, Knight of the Most Antient and Most Noble Order of the Thistle, and Governor General in and over all Her Britannic Majesty's Provinces on the Continent of North America, and in and over the Island of Prince Edward; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ART. I.

It is agreed by the High Contracting Parties, that in addition to the liberty secured to the United States fishermen by the above mentioned convention of October 20, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind, except shell-fish, on the sea coasts and shores, and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and of the several Islands thereunto adjacent, without being restricted to any distance from the shore; with permission to land upon the coasts and shores of those Colonies and the Islands thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish: provided that, in so doing, they do not interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coast in their occupancy for the same purpose.

It is understood that the above mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all fisheries in rivers, and the mouths of rivers, are hereby reserved exclusively for British fishermen.

And it is further agreed that in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British fishermen contained in this Article, and that of fishermen of the United States contained in the next succeeding Article, apply, each of the High Contracting Parties, on the application of either to the other, shall, within six months thereafter, appoint a Commissioner. The said Commissioners, before proceeding to any business, shall make and subscribe a solemn declaration that they will impartially and carefully examine and decide to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such places as are intended to be reserved and excluded from the common liberty of fishing under this and the next succeeding Article; and such declaration shall be entered on the record of their proceedings. The Commissioners shall name some third person to act as an Arbitrator or Umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the Arbi-

trator or Umpire in cases of difference or disagreement between the Commissioners. The person so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the Commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of either of the Commissioners or of the Arbitrator or Umpire, or of their or his omitting, declining, or ceasing to act as such Commissioner, Arbitrator, or Umpire, another and different person shall be appointed or named as aforesaid to act as such Commissioner, Arbitrator, or Umpire, in the place and stead of the person so originally appointed or named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Such Commissioners shall proceed to examine the coasts of the North American Provinces and of the United States embraced within the provisions of the first and second articles of this treaty, and shall designate the places reserved by the said Articles from the common right of fishing therein.

The decision of the Commissioners and of the Arbitrator or Umpire shall be given in writing in each case, and shall be signed by them respectively.

The High Contracting Parties hereby solemnly engage to consider the decision of the Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as absolutely final and conclusive in each case decided upon by them or him, respectively.

ART. II.

It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty to take fish of every kind, except shell-fish, on the Eastern sea coasts and shores of the United States, North of the 36th parallel of North Latitude, and on the shores of the several Islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea coasts and shores of the United States and of the said Islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the Islands aforesaid, for the purpose of drying their nets and curing their fish: provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ART. III.

It is agreed that the articles enumerated in the schedule hereunto annexed, being the growth and produce of the aforesaid British Colonies, or of the United States, shall be admitted into each country respectively free of duty.

Schedule.

Grain, flour, and breadstuffs of all kinds.
Animals of all kinds.
Fresh, smoked, and salted meats.
Cotton-wool, seeds, and vegetables.
Undried fruits. Dried fruits.
Fish of all kinds.
Products of fish and of all other creatures living in the water.
Poultry. Eggs.
Hides, furs, skins or tails undressed.
Stone or marble in its crude or unwrought state.
Slate.
Butter, cheese, tallow.
Lard, horns, manures.
Ores of metals of all kinds.
Coal.
Pitch, tar, turpentine, ashes.
Timber and lumber of all kinds, round, hewed and sawed, unmanufactured in whole or in part.
Firewood.
Plants, shrubs, and trees.
Pelts, wool
Fish-Oil.
Rice, broomcorn, and bark.
Gypsum, ground, or unground.
Hewn or wrought or unwrought burr or grindstones.
Dye-stuffs.
Flax, hemp, and tow unmanufactured.
Unmanufactured tobacco.
Rags.

ART. IV.

It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the river St Lawrence and the canals in Canada used as the means of communicating between the great Lakes and the Atlantic Ocean, with their vessels, boats, and crafts, as fully and freely as the subjects of Her Britannic Majesty, subject only to the same tolls and other assessments as now are or may hereafter be exacted of Her Majesty's said subjects, it being understood, however, that the British Government retains the right of suspending this privilege on giving due notice thereof to the Government of the United States.

It is further agreed that if at any time the British Government should exercise the said reserved right, the Government of the United States shall have the right of suspending, if it think fit, the operation of Art. III. of the present treaty in so far as the Province of Canada is affected thereby, for so long as the suspension of the free navigation of the river St Lawrence or the canals may continue.

It is further agreed that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts, so long as the privilege of navigating the river St Lawrence secured to American citizens by the above clause of the present Article shall continue, and the Government of the United States further engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals on terms of equality with the inhabitants of the United States.

And it is further agreed that no export duty or other duty shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St John and its tributaries and floated down that river to the sea, when the same is shipped to the United States from the Province of New Brunswick.

ART. V.

The present treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain and by the Provincial Parliaments of those of the British North American Colonies which are affected by this treaty on the one hand, and by the Congress of the United States on the other. Such assent having been given, the treaty shall remain in force for ten years from the date at which it may come into operation, and further until the expiration of twelve months after either of the High Contracting Parties shall give notice to the other of its

wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said term of ten years, or at any time afterwards.

It is clearly understood, however, that this stipulation is not intended to affect the reservation made by Article IV. of the present treaty with regard to the right of temporarily suspending the operation of Articles III. and IV. thereof.

ART. VI.

And it is hereby further agreed that the provisions and stipulations of the foregoing Articles shall extend to the Island of Newfoundland, so far as they are applicable to that Colony. But if the Imperial Parliament, the Provincial Parliament of Newfoundland, or the Congress of the United States shall not embrace in their laws enacted for carrying this treaty into effect, the Colony of Newfoundland, then this Article shall be of no effect, but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair the remaining Articles of this treaty.

ART. VII.

The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in Washington, within six months from the date hereof, or earlier, if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done, in triplicate, at Washington, the fifth day of June, Anno Domini one thousand eight hundred and fifty-four.

W. L. MARCY

[Seal]

ELGIN & KINCARDINE

[Seal]

Deed of Cession of the Kuria Muria Islands
between Great Britain and the Imam of
Muscat (Oman),
signed at Muscat, 14 June 1854

THIS instrument is reproduced from Aitchison, *A Collection of Treaties etc. relating to India etc.* (5th ed.), vol. XI, p. 302.

ENGLISH TEXT

DEED of CESSION of the KORIA MORIA ISLANDS executed by HIS HIGHNESS the IMAM of MUSCAT in the presence of CAPTAIN FREMANTLE, COMMANDING HER MAJESTY'S SHIP *Juno*, under date the 14th June 1854.

From the humble Saeed bin Sultan, to all and every one who may see this paper, whether Mahomedans or others—

There has arrived to me from the powerful nation (England) Captain Fremantle, belonging to the Royal Navy of the Great Queen, requesting from me the (Jesairi bin Colfaim) Koria Moria Islands, viz., Helanee, Jiblee, Soda, Haski and Gurzond; and I hereby cede to the Queen Victoria the above-mentioned Islands, to be her possessions, or her heirs and successors after her. In proof whereof I have hereunto affixed my signature and seal, on behalf of myself and my son after me, of my own free will and pleasure, without force, intimidation, or pecuniary interest whatsoever.

And be the same known to all to whom these presents may come.

Done at Muscat, the 17th day of the month Showal 1270, 14th July 1854.

Given under my hand.

SAEED BIN SULTAN,

Imam of Muscat.

Done in the presence of me.

STEPHEN G. FREMANTLE,

Captain, H. M.'s Ship "Juno."

Muscat, the 14th July 1854.

Convention between Austria and Turkey
relative to the Occupation of the
Danubian Principalities,
signed at Boyadji-Keuy, 14 June 1854

THIS Convention is taken from *British and Foreign State Papers*, vol. XLIV, p. 90. It is printed also by Martens, *Nouveau Recueil Général*, vol. XV, p. 594; Neumann, *Recueil des Traités et Conventions conclus par l'Autriche*, vol. VI, p. 209; Testa, *Recueil des Traités de la Porte Ottomane*, vol. X, p. 402; Noradounghian, *Recueil d'Actes Internationaux de l'Empire Ottoman*, vol. II, p. 423; and Ghillany, *Diplomatisches Handbuch*, vol. II, p. 423. It is also to be found in *Hertslet's Turkish Treaties*, p. 773.

FRENCH TEXT

[Ratifications exchanged at Vienna, June 30, 1854.]

SA Majesté l'Empereur d'Autriche, reconnaissant pleinement que l'existence de l'Empire Ottoman dans ses limites actuelles est nécessaire au maintien de l'équilibre entre les Etats de l'Europe, et que nommément l'évacuation des Principautés Danubiennes est une des conditions essentielles de l'intégrité de cet Empire ; étant, de plus, prête à concourir, par les moyens à sa disposition, aux mesures propres à assurer le but du concert établi entre son Cabinet et les Hautes Cours représentées à la Conférence de Vienne ;

Sa Majesté Impériale le Sultan, de son côté, ayant accepté cette offre de concours faite amicalement par Sa Majesté l'Empereur d'Autriche ;

Il a paru convenable de conclure une Convention afin de régler la manière dont le concours en question sera effectué.

Dans ce but, Sa Majesté l'Empereur d'Autriche et Sa Majesté Impériale le Sultan ont nommé pour être leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur d'Autriche, M. le Baron Charles de Bruck, Conseiller Intime de Sa Majesté Impériale et Royal Apostolique, son Internonce et Ministre Plénipotentiaire près la Sublime Porte Ottomane, Grand Croix de l'Ordre Impérial de Léopold, Chevalier de l'Ordre Impérial de la Couronne de Fer de Première Classe, &c. ;

Et Sa Majesté Impériale le Sultan, Moustapha Réchid Pacha, ex-Grand Vezir et actuellement son Ministre des Affaires Etrangères, décoré de l'Ordre Impérial de Medjidié de Première Classe, &c. ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Sa Majesté l'Empereur d'Autriche s'engage d'épuiser tous les moyens de négociation et autres pour obtenir l'évacuation des Principautés Danubiennes par l'armée étrangère qui les occupe, et d'employer même, en cas de besoin, le nombre de troupes nécessaire pour atteindre ce but.

II. Il appartiendra, pour ce cas, exclusivement au Commandant-en-chef Impérial de diriger les opérations de son armée. Celui-ci aura toutefois soin d'informer en temps utile le Commandant-en-chef de l'armée Ottomane de ses opérations.

III. Sa Majesté l'Empereur d'Autriche prend l'engagement de rétablir d'un commun accord avec le Gouvernement Ottoman, dans les Principautés, autant que possible, l'état des choses légal, tel qu'il résulte des privilèges assurés par la Sublime Porte relativement à l'administration de ces pays. Les autorités locales ainsi reconstituées ne pourront toutefois pas étendre leur action jusqu'à vouloir exercer un contrôle sur l'armée Impériale.

IV. La Cour Impériale d'Autriche s'engage, en outre, à n'entrer vis-à-vis de la Cour Impériale de Russie dans aucun plan d'accommodement qui n'aurait pas pour point de départ les droits souverains de Sa Majesté Impériale le Sultan, ainsi que l'intégrité de son Empire.

V. Dès que le but de la présente Convention aura été atteint par la conclusion d'un Traité de Paix entre la Sublime Porte et la Cour de Russie, Sa Majesté l'Empereur d'Autriche prendra aussitôt des arrangements pour retirer, dans le plus bref délai possible, ses forces du territoire des Principautés. Les détails concernant la retraite des troupes Autrichiennes formeront l'objet d'une entente spéciale avec la Sublime Porte.

VI. Le Gouvernement d'Autriche s'attend à ce que les autorités des pays occupés temporairement par les troupes Impériales leur prêteront toute aide et facilité tant pour leur marche, leur logement ou campement, que pour leur subsistance et celle de leurs chevaux et pour leurs communications. Le Gouvernement Autrichien s'attend pareillement à ce que l'on fera droit à toute demande relative aux besoins du service, adressée par les commandants Autrichiens, soit au Gouvernement Ottoman par l'Inténonciature Impériale à Constantinople, soit directement aux autorités locales, à moins que des raisons majeures n'en rendent la mise à exécution impossible.

Il est entendu que les commandants de l'armée Impériale veilleront au maintien de la plus stricte discipline parmi leurs troupes, et respecteront et feront respecter les propriétés, de même que les lois, le culte et les usages du pays.

VII. La présente Convention sera ratifiée, et les ratifications seront échangées à Vienne dans l'espace de 4 semaines, ou plus tôt si faire se peut, à partir du jour de la signature.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé leurs cachets.

Fait en double pour un seul et même effet à Boyadji-Keuy, le 14 Juin, 1854.

(L.S.) V. BRUCK.

(L.S.) RECHID.

Treaties etc. between Great Britain and the
Chiefs etc. of Grand Bonny, Congo River
(West Africa),
signed 28 January, 20 June 1854

THESE texts are reproduced from *British and Foreign State Papers*, vol. XLVII, p. 540, being also printed in *Hertslet's Commercial Treaties*, vol. X, pp. 13, 17.

ENGLISH TEXT

(1.)—AGREEMENT of *King Pepple of Grand Bonny*.—*Grand Bonny*,
January 28, 1854.

I, THE lawful successor of the late deposed King Pepple, of Grand Bonny, do hereby agree to all the Articles and Conditions contained in a Treaty made on the 21st day of November, 1848, by Thomas Rodney Eden, Esq., Captain of Her Majesty's ship *Amphitrite*, on the part of Her Majesty the Queen of England, and King Pepple. In testimony thereof, I have this day signed the present document to be appended to that Treaty, in the presence of John Beecroft, Esq., Her Majesty's Consul for the Bight of Biafra, and the witnesses whose names are hereunto subscribed.

Done at the Court House, Grand Bonny, this 28th day of January, 1854.

JOHN BEECROFT.

KING DAPPO ^{his}  _{mark.}

Witnesses:

THOMAS GREGORY. H. STEWART.

CHARLES CAINE. E. WYLIE.

R. E. BIRKETT.

(2.)—AGREEMENT *with the Chiefs and Headmen of Congo River*.—*Pluto, Congo River*, June 20, 1854.

By the express wish of the Undersigned Chiefs and headmen of the Congo River, the following agreement was entered into, and considered fair and equitable for the mutual protection of trade and commerce between the said Chiefs and headmen and the British traders.

ART. I. That upon the arrival of any British merchant-vessel in this river for the purpose of trading therein, the supercargo shall, upon tendering the usual custom to the Chiefs or headmen entitled to receive it, be allowed the privilege of trading without any further delays or molestation.

Should the custom not be immediately taken when tendered, the ship is to commence trade; but it does not follow the supercargo is exempt from paying the custom, if subsequently demanded.

II. Upon a trader expressing to a Chief or headman his wish to settle and trade in his territory, he, the said Chief or headman, shall appoint him a piece of ground to build his factory on; and it is to be distinctly understood by the Chiefs and headmen, that when the custom is paid or tendered, they, the Chiefs, &c., are responsible for the safety of the lives and property of the traders against their own people, or any others in their territory.

III. No second custom shall be paid for one voyage of a ship, should it so happen that the supercargo or master should die, or should the ship leave to visit other ports, and afterwards return to complete cargo, &c., provided always that it is the same voyage from Europe.

IV. No Chief or headman shall, on any pretence whatever, force any trust from any of the British traders, or allow any of his people so to do.

V. In the event of any misunderstanding between the natives and traders, the Chiefs, headmen and masters of the ships shall quietly meet and inquire into the affair; and the Chiefs pledge themselves to punish any offender should he be a native, and the masters pledge themselves to do the same should he be a white man.

Should they not then be able to settle the palaver, a letter is to be sent to Her Britannic Majesty's Consul at Loanda, or to one of Her Majesty's ships, but on no such or any other pretence shall the trade be stopped or hindered in any way.

VI. We, the Chiefs and headmen of this river, and masters and supercargoes of the British vessels, of our own free will, and perfectly understanding the above Articles of this Agreement, consider the same to be perfectly binding to us all, and as a proof thereof we here, in the presence of Lieutenant Commander Norman B. Bedingfeld and officers of Her Majesty's ship *Pluto*, affix our names.

JOHN CHEESEMAN, <i>Master</i>	PRINCE MACHILLA	their
<i>and Supercargo of the English</i>	KING MAZELLE	X
<i>brig Sabraon.</i>	MAMBOOKO DE ZALI	X
NORMAN B. BEDINGFELD,	MAFOOKA DE PUNTO	X
<i>Lieutenant-Commander H.M.S.</i>	KING MEDORA	X
<i>Pluto.</i>	MAMBUCO MINGALLI	X
C. A. J. HEYSHAM, <i>Mate</i>	ZOOAVO LINGUESTER	X
<i>H.M.S. Pluto.</i>	PRINCE JACK	X
E. SWAIN, <i>Second Master</i>	MANOEL	X
<i>H.M.S. Pluto.</i>		marks.
DAVID WILSON, <i>Assistant Surgeon H.M.S. Pluto.</i>		

Extradition Treaty between the Netherlands
and Portugal,
signed 22 June 1854

THE text of this Treaty, which is printed also by Borges de Castro, *Colecção dos Tratados, Convenções etc. de Portugal*, vol. VIII, pp. 12, 45, is taken here from Lagemans, *Recueil des Traités etc. des Pays-Bas etc.*, vol. IV, p. 157.

FRENCH TEXT

S. M. le Roi des Pays-Bas et S. M. le Roi-Régent du Royaume de Portugal et des Algarves, au nom du Roi, ayant jugé utile de régler par une convention l'extradition de malfaiteurs, ont muni à cet effet de leurs pleins-pouvoirs, savoir:

S. M. le Roi des Pays-Bas: le Conseiller de Légation Théodore Marinus Roest van Limburg, Chargé d'affaires des Pays-Bas près le gouvernement Portugais;

S. A. R. le Roi-Régent du Royaume de Portugal et des Algarves, au nom du Roi: le sieur Antonio Aluisio Jervis d'Athoguia, vicomte d'Athoguia, Pair du Royaume, Commandeur, etc., Ministre et Secrétaire d'Etat des Affaires Etrangères et de la Marine et des Colonies, etc., etc., etc.

lesquels, après s'être communiqué les dits pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:

Art. 1. Le gouvernement Néerlandais et le gouvernement Portugais s'engagent à se livrer réciproquement, sur la demande de l'autre partie, à l'exception de leurs nationaux, les individus condamnés, mis en état d'accusation, ou contre lesquels une ordonnance de poursuite avec mandat d'arrêt a été prononcée par les autorités compétentes de celui des deux pays contre les lois duquel les crimes ou délits auront été commis.

Sont compris, quant à l'application de cette convention, dans la dénomination de nationaux, les étrangers qui, selon les lois du pays auquel l'extradition est demandée, sont assimilés aux nationaux, ainsi que les étrangers qui se sont établis dans le pays, et après s'être mariés à une femme du pays, ont un ou plusieurs enfants de ce mariage, nés dans le pays.

Art. 2. L'extradition n'aura lieu que dans le cas de condamnation, accusation ou poursuite pour les crimes ou délits suivants, commis hors du territoire de la partie à laquelle l'extradition est demandée:

1°. assassinat, empoisonnement, parricide, infanticide, meurtre;

2°. viol;

3°. incendie;

4°. faux en écriture publique et privée, y compris la contrefaçon ou falsification de billets de banque, de papier monnaie et d'effets publics;

5°. fabrication de fausse monnaie, altération de monnaie et émission, sciemment faite, de monnaie fausse;

6°. faux témoignage;

7°. vol accompagné de circonstances aggravantes, escroquerie, concussion, corruption de fonctionnaires publics, soustraction ou détournement commis par des dépositaires ou comptables publics;

8°. banqueroute frauduleuse.

Art. 3. L'extradition n'aura pas lieu lorsque la demande en sera motivée par le même crime ou délit, pour lequel l'individu réclamé subit ou a déjà subi sa peine, ou dont il a été acquitté ou absous, dans le pays auquel l'extradition est demandée.

Si l'individu réclamé est poursuivi ou se trouve détenu pour un autre

crime ou délit commis contre les lois du pays auquel l'extradition est demandée, son extradition sera différée jusqu'à ce qu'il soit acquitté ou absous, ou qu'il ait subi sa peine.

Si l'individu réclamé est détenu pour dettes, en vertu d'une condamnation antérieure à la demande d'extradition, celle-ci sera également différée jusqu'à sa mise en liberté.

Art. 4. Les crimes et délits politiques sont exceptés de la présente convention.

Il est expressément stipulé que l'individu dont l'extradition aura été accordée, ne pourra être dans aucun cas poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ou pour aucun fait connexe à un semblable délit.

Art. 5. L'extradition ne pourra pas avoir lieu si la prescription de l'action ou de la peine est acquise d'après les lois du pays auquel l'extradition est demandée.

Art. 6. Si le condamné ou le prévenu dont l'extradition est demandée, n'est pas sujet de l'Etat réclamant, mais d'un Etat tiers, le pays auquel la demande d'extradition a été adressée, aura le droit de ne donner suite à la demande qu'après avoir consulté le gouvernement du pays dont l'individu réclamé serait le sujet, et l'avoir mis en demeure de faire connaître les motifs qu'il pourrait avoir de s'opposer à l'extradition.

Toutefois, le gouvernement auquel la demande d'extradition, dans le cas prévu par cet article, a été faite, reste libre de refuser cette extradition, en communiquant au gouvernement qui la demande, la cause de son refus.

Art. 7. L'extradition sera demandée par la voie diplomatique et ne sera accordée que sur la production de l'original ou d'une expédition authentique du jugement ou de l'arrêt de condamnation ou de mise en accusation, ou de l'ordonnance de poursuite avec mandat d'arrêt, décerné contre les prévenus, ou tous autres actes ayant la même force que ce mandat, délivré dans les formes prescrites par la législation du pays qui fait la demande, et indiquant le crime ou délit dont il s'agit et la disposition pénale qui lui est applicable.

Art. 8. Les objets saisis en la possession de l'individu réclamé seront, si l'autorité compétente de l'Etat requis en a ordonné la restitution, livrés, au moment où s'effectuera l'extradition.

Art. 9. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée, resteront à la charge de chacun des deux Etats, dans les limites de leurs territoires respectifs.

Les frais d'entretien et de transport par le territoire des Etats intermédiaires seront à la charge de l'Etat réclamant.

Au cas où le transport par mer serait jugé préférable, l'individu à extraire sera conduit au port que désignera l'agent diplomatique ou consulaire accrédité par le gouvernement réclamant, aux frais duquel il sera embarqué.

Art. 10. Lorsque, dans la poursuite d'une affaire pénale, un des gouvernements jugera nécessaire l'audition de témoins domiciliés dans l'autre Etat, une commission rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite, en observant les lois du pays où les témoins seront invités à comparaître.

Les gouvernements respectifs renoncent de part et d'autre à toute réclamation par rapport à la restitution des frais qui en résulteront.

Toute commission rogatoire, ayant pour but de demander une audition de témoins, devra être accompagnée d'une traduction Française.

Art. 11. Si, dans une cause pénale, la comparution personnelle d'un témoin dans l'autre pays est nécessaire ou désirée, son gouvernement l'engagera à se rendre à l'invitation qui lui sera faite, et, en cas de consentement, il lui sera accordé des frais de voyage et de séjour, d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu.

Art. 12. Lorsque, dans une cause pénale, la confrontation de criminels détenus dans l'autre Etat, ou bien la communication de pièces de conviction ou de documents qui se trouveraient entre les mains des autorités de l'autre pays, sera jugée utile ou nécessaire, la demande en sera faite par la voie diplomatique, et l'on y donnera suite pour autant qu'il n'y ait pas de considérations spéciales qui s'y opposent, et sous l'obligation de renvoyer les criminels et les pièces.

Les gouvernements respectifs renoncent de part et d'autre à toute réclamation de frais résultant du transport et du renvoi, dans les limites de leurs territoires respectifs, des criminels à confronter, ainsi que de l'envoi et de la restitution des pièces et documents.

Art. 13. La présente convention ne sera exécutoire qu'à dater du vingtième jour de sa publication dans les formes prescrites par les lois des deux pays.

Elle continuera à être en vigueur jusqu'à six mois après déclaration contraire de la part de l'un des deux gouvernements.

Elle sera ratifiée et les ratifications en seront échangées aussitôt que faire se pourra.

En foi de quoi, les plénipotentiaires respectifs ont signé la présente convention et y ont apposé le sceau de leurs armes.

Fait à Lisbonne, le 22 Juin 1854.

ROEST VAN LIMBURG.
(L. S.)

Visconde D'ATHOQUIA.
(L. S.)

(Cette Convention a été ratifiée par S. M. le Roi des Pays-Bas le 16 Juillet et par S. M. le Roi-Régent de Portugal le 22 Août 1854. L'échange des ratifications a eu lieu le 5 Septembre de la même année.)

Agreement between France and Great Britain
relative to Merchant Seamen Deserters,
signed at London, 23 June 1854

THE English and French texts of this Agreement are reproduced from *British and Foreign State Papers*, vol. XLVIII, p. 863. The Agreement, which was terminated by the Convention of 31 December 1951, is printed also in *Hertslet's Commercial Treaties*, vol. IX, p. 962; *Handbook of Commercial Treaties* (4th ed., 1931), p. 220; and by De Clercq, *Recueil des Traités de la France*, vol. VI, p. 444.

ENGLISH / FRENCH TEXTS

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the Emperor of the French, being desirous, for the benefit of British and French commerce, to facilitate the discovery, apprehension, and surrender of seamen who may desert from merchant vessels of the two countries, on the basis of a full and entire reciprocity, have agreed as follows:

It is mutually agreed that if any seamen or apprentices, not being slaves, should desert from any ship belonging to a subject of either of the Contracting Parties within any port in the territories, or in the Possessions or Colonies of the other Contracting Party, the authorities of such port and territory, possession, or colony, shall be bound to give every assistance in their power for the apprehension and sending on board of such deserters, on application to that effect being made to them by the Consul of the country to which the ship of the deserter may belong, or by the deputy or representative of the Consul.

It is understood that the preceding stipulations shall not apply to subjects of the country where the desertion shall take place.

Each party reserves to itself

Le Gouvernement de Sa Majesté l'Empereur des Français et le Gouvernement de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, désirant faciliter la recherche, l'arrestation et la remise des marins déserteurs de la marine marchande des deux pays, dans l'intérêt du commerce Français et du commerce Britannique, et sur la base d'une pleine et entière réciprocité, sont convenus de ce qui suit:

Il est réciproquement convenu que toutes les fois qu'un marin ou un novice (apprentice), n'étant pas esclave, désertera d'un navire appartenant à un sujet de l'une des deux Parties Contractantes, dans un port situé sur le territoire ou dans les Possessions ou Colonies de l'autre Partie Contractante, les autorités de ce port et de ce territoire, possession, ou colonie, seront tenues de prêter toute l'assistance en leur pouvoir pour l'arrestation et la remise à bord de semblables déserteurs, sur la demande qui leur sera adressée, à cet effet, par le Consul du pays auquel appartient le navire du déserteur, ou par le mandataire ou le représentant de ce Consul.

Il est entendu que les précédentes stipulations ne s'appliquent pas aux sujets du pays où la désertion aura eu lieu.

Chacune des deux Parties Con-

the right of terminating this Agreement at any time, on giving to the other a year's notice of its wish to that effect.

In witness whereof Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, and the Ambassador of His Majesty the Emperor of the French to Her Britannic Majesty, being duly authorized by their respective Governments, have signed the present Agreement, and have affixed thereto the seal of their arms.

Done at London the 23rd day of June, in the year of our Lord, 1854.

(L.S.) CLARENDON.

tractantes se réserve la faculté de mettre fin au présent arrangement, en le dénonçant une année à l'avance.

En foi de quoi, l'Ambassadeur de Sa Majesté l'Empereur des Français près Sa Majesté Britannique, et le Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, dûment autorisés par leurs Gouvernements respectifs, ont signé le présent arrangement, et y ont apposé le sceau de leurs armes.

Fait à Londres, le 23 Juin, l'an de Grâce, 1854.

(L.S.) A. WALEWSKI.

Extradition Convention between Belgium
and Portugal,
signed at Lisbon, 26 June 1854

THIS Convention, which is printed also by Borges de Castro, *Collecção dos Tratados, Convenções etc. de Portugal*, vol. VIII, p. 22, and in *British and Foreign State Papers*, vol. LII, p. 1110, is reproduced here from Garcia de la Vega, *Traités etc. concernant le Royaume de Belgique*, vol. III, p. 3.

FRENCH TEXT

Sa Majesté le roi des Belges et Sa Majesté le roi-régent de Portugal et des Algarves, désirant, de commun accord, conclure une convention pour l'extradition réciproque d'accusés et de malfaiteurs, ont muni à cet effet de leurs pleins pouvoirs, savoir :

Sa Majesté le roi des Belges, le sieur Henri Carolus, chevalier de son ordre, commandeur des ordres de la Légion-d'Honneur et de Charles III d'Espagne, chevalier de l'ordre de la Branche Ernestine de la maison de Saxe, des ordres du Mérite de la Saxe-Royale, d'Henri-le-Lion, d'Albert d'Anhalt, son ministre résident près Sa Majesté le roi-régent de Portugal et des Algarves,

Sa Majesté le roi-régent de Portugal et des Algarves, au nom du roi, le sieur Antonio Aluizio Jervis d'Athoguia, vicomte d'Athoguia, pair du royaume, commandeur de l'ancien et très-noble ordre de la Tour et l'Épée, de la Valeur, de la Loyauté et du Mérite, et de l'ordre de Notre-Dame de la Conception de Villa-Viçosa, grand cordon de l'ordre de Léopold de Belgique, grand'croix de l'ordre impérial de la Légion-d'Honneur de France, de Saint Maurice et Saint Lazare de Sardaigne, commandeur de l'ordre militaire de Saint Ferdinand d'Espagne, ministre et secrétaire d'Etat des affaires étrangères et de la marine et des colonies;

Lesquels, après s'être mutuellement communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants :

ART. 1^{er}. — Les gouvernements de Sa Majesté le roi des Belges et de Sa Majesté le roi-régent de Portugal et des Algarves s'engagent à se livrer réciproquement, à l'exception de leurs nationaux, les individus réfugiés de Belgique en Portugal et de Portugal en Belgique, mis en accusation ou condamnés par les tribunaux de celui des deux pays où les faits auront été commis, pour l'un des crimes ou délits ci-après énumérés, savoir :

- 1^o Assassinat, empoisonnement, parricide, infanticide, meurtre, viol;
- 2^o Incendie volontaire;
- 3^o Faux en écriture, y compris la contrefaçon des billets de banque et effets publics;
- 4^o Fausse monnaie;
- 5^o Faux témoignage;
- 6^o Vol, escroquerie, concussion, soustraction commise par des dépositaires publics;
- 7^o Banqueroute frauduleuse.

La réclamation ne pourra émaner que du gouvernement du pays par lequel l'extradition est demandée.

ART. 2. — Chacun des gouvernements contractants entend néanmoins se réserver le droit de ne pas consentir à l'extradition dans quelques cas spéciaux et extraordinaires rentrant dans la catégorie des faits prévus par l'article précédent.

Il sera donné connaissance des motifs du refus au gouvernement qui réclame l'extradition.

ART. 3. — Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait subi sa peine ou qu'il ait été acquitté par une sentence définitive.

ART. 4. — L'extradition ne sera accordée que par la voie diplomatique et sur production, en original ou en expédition authentique, d'un arrêt de condamnation ou de mise en accusation, délivré dans les formes prescrites par la législation du gouvernement réclamant, et accompagné d'un exposé des circonstances du crime ou du délit.

ART. 5. L'étranger réclamé pourra être arrêté provisoirement dans chacun des deux pays pour l'un des faits mentionnés à l'article premier, sur l'exhibition d'un mandat d'arrêt décerné par l'autorité compétente et expédié dans les formes judiciaires prescrites par les lois du gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du gouvernement auquel elle est demandée.

L'étranger arrêté provisoirement sera mis en liberté s'il ne reçoit notification d'un arrêt de condamnation ou de mise en accusation dans le terme de trois mois après que l'arrestation a eu lieu.

ART. 6. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise, d'après les lois du pays dans lequel l'étranger se trouve.

ART. 7. Les individus dont l'extradition aura été accordée seront conduits au port que désignera l'agent diplomatique ou le consul accrédité par le gouvernement réclamant.

Ils seront embarqués par les soins de cet agent et aux frais du gouvernement qui a obtenu l'extradition.

Par contre, les frais encourus pour l'arrestation, la détention et le transfert des individus réclamés, resteront à la charge du gouvernement sur le territoire duquel ces mesures ont été prises.

ART. 8. — Il est expressément stipulé que, dans aucun cas, l'individu dont l'extradition aura été accordée ne pourra être poursuivi et puni dans le pays réclamant, pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente convention.

ART. 9. — La présente convention ne sera exécutoire que dix jours après que publication de son contenu aura été faite dans le journal officiel des deux pays.

ART. 10. — La présente convention continuera à être en vigueur jusqu'à l'expiration de six mois après déclaration contraire de la part de l'un des deux gouvernements contractants; elle sera ratifiée, et les ratifications en seront échangées aussitôt que faire se pourra.

En foi de quoi, nous, plénipotentiaires de Sa Majesté le roi des Belges et de Sa Majesté le roi-régent de Portugal et des Algarves, avons signé la présente convention et y avons apposé le sceau de nos armes.

Fait à Lisbonne, le 26 juin 1854.

(L. S.) CAROLUS.

(L. S.) Vicomte D'ATHOQUIA.

Déclaration.

Les hautes parties contractantes ayant jugé convenable d'échanger une déclaration concernant une stipulation qui ne se trouve pas dans la convention d'extradition du 26 juin 1854, sont convenues de ce qui suit :

« Lorsqu'un individu réclamé par l'un ou l'autre gouvernement se

trouvera détenu pour dettes, en vertu d'une condamnation antérieure à sa demande d'extradition, son extradition sera ajournée jusqu'à la levée de son écrou.

La présente déclaration aura force et valeur comme si elle était insérée dans la convention du 20 juin 1854.

En foi de quoi, les plénipotentiaires ont signé la présente déclaration et y ont apposé le sceau de leurs armes.

Fait à Lisbonne, le 29 septembre 1854.

(L. S.) CAROLUS.

(L. S.) Vicomte d'ATHOQUIA.

La convention qui précède a été ratifiée par Sa Majesté le roi des Belges, le 15 août 1854, et par Sa Majesté le roi de Portugal et des Algarves, le 25 du même mois.

Les ratifications ont été échangées, à Lisbonne, le 29 septembre suivant. Cette convention a été publiée au *Moniteur belge* du 10 novembre 1854, N° 314.

Arrangement between France and Guatemala
relative to the Payment of Indemnities
claimed by French Citizens,
signed at Paris, 26 June 1854

THIS text is reproduced from De Clercq, *Recueil des Traités de la France*,
vol. VI, p. 445.

FRENCH TEXT

Entre les Plénipotentiaires soussignés, S. Exc. M. *Drouyn de Lhuys*, Ministre et Secrétaire d'Etat au département des Affaires Etrangères de S. M. l'Empereur des Français, Vice-Président du Sénat etc., etc., d'une part, et M. le Maréchal *Santa-Cruz*, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République de Guatemala, dûment autorisé à cet effet, d'autre part;

Il a été arrêté et convenu ce qui suit :

Le Gouvernement de S. M. l'Empereur des Français et le Gouvernement de la République de Guatemala désirant régler d'un commun accord, et au moyen d'une transaction amiable, les difficultés qui se sont élevées au sujet des réclamations de plusieurs citoyens français contre l'Etat de Guatemala, compris celle du sieur Berbigneau, sont convenus des points suivants :

ART. 1^{er}. Le Gouvernement de la République de Guatemala s'engage à verser entre les mains du Consul-Général de France à Guatemala une somme de quinze mille (15,000) piastres, en trois termes égaux; le premier comptant, et les deux autres successivement à quatre mois d'intervalle.

ART. 2. Moyennant le paiement stipulé dans l'article précédent, et la remise que le Gouvernement de Guatemala déclare faire, au sieur Vinchon de Quémont, de la somme qui serait due par ce dernier pour droits de douane, le Gouvernement de S. M. l'Empereur des Français se charge de désintéresser tous ceux de ses nationaux au nom desquels il a été ou pourrait être formé des réclamations pécuniaires contre l'Etat de Guatemala, pour des faits antérieurs au 1^{er} janvier 1854.

ART. 3. En conséquence, il ne pourra être donné suite à aucune réclamation pour faits antérieurs à cette époque; le Gouvernement de Guatemala se trouvant entièrement quitte et déchargé par l'effet du présent arrangement.

En foi de quoi, les soussignés ont signé les présents articles, et y ont apposé le sceau de leurs armes.

Fait en double original à Paris, le 26 juin de l'an 1854.

Le Ministre Secrétaire d'Etat au département des Affaires Etran- gères de S. M. l'Empereur des Français.	L'Envoyé Extraordinaire et Mi- nistre Plénipotentiaire de la République de Guatemala.
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DROUYN DE LHUYS.

ANDRES SANTA CRUZ.

APPROBATION.

Palais du Gouvernement, Guatemals, le 25 août 1854.

Le Président, ayant examiné l'arrangement qui précède conclu à Paris, le 26 juin de la présente année, entre le Ministre Plénipotentiaire de la République et le Ministre des Affaires Etrangères de S. M. l'Empereur des Français, autorisé à cet effet, ouï l'avis du Conseil d'Etat; approuve en toutes ses parties ledit arrangement et ordonne de le mettre à exécution. Cet arrangement sera communiqué au Ministre de la République à Paris, et au Consul-Général, Chargé d'Affaires de France à Guatemala, par le Secrétariat des Affaires Etrangères.

Le Secrétaire d'Etat et du Département des Affaires Etrangères.

P. DE ARJIMENA.

Convention between France and Venezuela
for the Payment of Various Debts,
signed at Paris, 29 June 1854

THIS Convention is taken from De Clercq, *Recueil des Traités de la France*,
vol. VI, p. 446.

FRENCH TEXT

Entre les Plénipotentiaires soussignés,

Le Ministre Secrétaire d'Etat au Département des Affaires Etrangères de S. M. l'Empereur des Français,

Et l'Envoyé Extraordinaire Ministre Plénipotentiaire de la République de Vénézuéla auprès de S. M. I. dûment autorisé à cet effet,

Il a été convenu et arrêté ce qui suit :

Deux affaires importantes où des intérêts particuliers considérables sont engagés, ont été depuis quelque temps l'objet de négociations suivies entre les Gouvernements de France et de Vénézuéla. Ces affaires sont :

1^o Le payement des Traités remises par le Gouvernement Vénézuélien au sieur Boyer; 2^o le payement des sommes dues par ce même Gouvernement, en vertu de la Convention du 14 juin 1853, pour le règlement des créances françaises, dites de *Espera*.

Le sieur Boyer réclame le payement de Traités qui lui ont été remises par le Gouvernement Vénézuélien, et dont la provision con-

siste dans le montant de lettres de change souscrites par le Pérou au profit du Vénézuéla, qui se trouvent à Paris entre les mains de MM. Montané et C^{ie}.

Quant aux créances dites de *Espera*, elles ont été définitivement réglées par la Convention sus-énoncée du 14 janvier 1853. Il ne s'agit plus aujourd'hui que d'en effectuer le paiement, devenu entièrement exigible, les trois termes stipulés dans la Convention étant échus les 14 octobre, 14 décembre 1853 et 14 février 1854.

D'autre part, le Gouvernement de Vénézuéla possède à Paris des valeurs déjà indiquées plus haut et existant entre les mains de MM. Montané et C^{ie}. Ces valeurs consistent : 1° en trois lettres de change sur la maison Gibbs et fils de Londres, savoir :

Au 1 ^{er} décembre 1854.....	200,000	piastres fortes.
Au 1 ^{er} août 1855.....	200,000	idem.
Au 1 ^{er} décembre 1855.....	150,000	idem.
	550,000	idem.

2° En une somme représentant le reliquat du produit d'une première lettre de change, montant à 145,000 piastres, échue le 1^{er} mars 1854, sur laquelle 68,000 piastres ont été remises au Gouvernement Vénézuélien.

Les deux Gouvernements étant également désireux de terminer, d'une manière amiable, ces affaires qui ne soulèvent aucune question puisque les dettes sont reconnues par le Gouvernement de Vénézuéla, et ce dernier Gouvernement étant déterminé à affecter les valeurs qu'il possède en France au paiement des dettes dont il s'agit, les soussignés ont, d'un commun accord, arrêté les résolutions suivantes :

ART. 1^{er}. Le Gouvernement de Vénézuéla cède et transporte en toute propriété au Gouvernement français le montant intégral, sauf la réserve qui sera indiquée ci-après, art. 3, § 4, des Traités souscrites par le Pérou au profit du Gouvernement de Vénézuéla et dont l'énumération suit :

Au 1 ^{er} décembre 1854.....	200,000	piastres fortes.
Au 1 ^{er} août 1855.....	200,000	idem.
Au 1 ^{er} décembre 1855.....	150,000	idem.

Ces Traités seront immédiatement passés à l'Ordre du Ministre des Affaires Etrangères de France, le Gouvernement de Vénézuéla demeurant, conformément à l'usage, responsable du paiement.

ART. 2. Le Gouvernement de Vénézuéla cède au Gouvernement français le montant des sommes existant entre les mains de MM. Montané et C^{ie}, et provenant du paiement de cette première lettre de change échue le 1^{er} mars 1854, sur le montant de laquelle

68,000 piastres ont déjà été remises au Gouvernement Vénézuélien.

ART. 3. Ces valeurs seront, par les soins du Gouvernement français, employées de la manière suivante :

1° Il sera prélevé la somme nécessaire pour payer intégralement, à leurs échéances respectives, les Traités souscrits par le Gouvernement Vénézuélien au profit du sieur Boyer, auxquelles les Traités fournis par le Pérou ont été affectées à titre de provision, et en outre les intérêts déjà dûs pour le retard apporté au paiement de la première de ces Traités;

2° Une somme de 150,000 piastres fortes sera affectée, jusqu'à due concurrence, au paiement des créances françaises de *Espera*;

3° Le Gouvernement français aura le droit de disposer de la somme nécessaire pour réaliser immédiatement (en escomptant, jusqu'au taux de 5 p. 0/0, celles des lettres de change du Pérou qui, en tout ou en partie, ne sont point affectées au paiement des sommes dues au sieur Boyer) les 150,000 piastres fortes destinées au paiement des créances de *Espera*;

4° Le surplus, s'il en existe, sera remis au Gouvernement Vénézuélien.

ART. 4. Les pièces justificatives du paiement des créances dont il s'agit, seront remises au Gouvernement Vénézuélien pour lui servir de quittance.

ART. 5. La somme de 150,000 piastres fortes ci-dessus stipulée, étant insuffisante pour subvenir au paiement des créances de *Espera*, le Gouvernement Vénézuélien s'engage à compléter la somme nécessaire qu'il acquittera mensuellement, en six termes égaux, au moyen de mandats sur les douanes de La Guayra et de Porto Cabello, (mandats reçus pour un quart des droits ordinaires d'importation) à payer par deux maisons de commerce qui seront désignées, une dans chaque port, par la légation de France à Caracas.

ART. 6. Au moyen de l'exécution des stipulations ci-dessus, le Gouvernement Vénézuélien, sauf le recours en cas de non-paiement des lettres de change du Pérou, se trouve entièrement quitte et déchargé de toutes obligations relatives au paiement des Traités délivrés à M. Boyer et des réclamations françaises de *Espera*.

En foi de quoi, les Plénipotentiaires respectifs ont signé les présents articles et y ont apposé leurs cachets.

Fait en double original à Paris, le 29 juin 1854.

DROUYN DE LHUYS.

LOUIS PULIDO.

Extradition Convention between France and
Waldeck and Pyrmont,
signed at Frankfurt, 10 July 1854

THIS Convention is taken from De Clercq, *Recueil des Traités de la France*,
vol. VI, p. 449.

FRENCH TEXT

S. M. l'Empereur des Français et S. A. S. le Prince Souverain de Waldeck et Pyrmont sont convenus de conclure une Convention pour l'extradition réciproque des malfaiteurs; à cette fin, ils ont nommé pour leurs Plénipotentiaires, savoir :

S. M. l'Empereur des Français, le sieur Auguste, marquis de *Tallény*, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Sérénissime Confédération Germanique, Grand Officier de l'Ordre Impérial de la Légion d'Honneur, etc., etc.;

Et S. A. S. le Prince Souverain de Waldeck et Pyrmont, le sieur Adolphe, baron de *Holzhausen*, Commandeur de l'Ordre de Louis de la Hesse Grand-Ducal, avec étoile, Chevalier de l'Ordre de Saint-Jean-de-Jérusalem et de l'Ordre de la Maison de Hohenzollern, son Conseiller intime actuel, Envoyé et Ministre Plénipotentiaire à la Diète Germanique;

Lesquels, après s'être communiqué leurs pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants :

ART. 1^{er}. Les Gouvernements de France et de Waldeck et Pyrmont s'engagent, par la présente Convention, à se livrer réciproquement, chacun à l'exception de ses nationaux, les individus réfugiés de France dans les Principautés de Waldeck et Pyrmont et des Principautés de Waldeck et Pyrmont en France, et poursuivis ou condamnés par les tribunaux compétents pour l'un des crimes ci-après énumérés. L'extradition aura lieu sur la demande que l'un des deux Gouvernements adressera à l'autre par la voie diplomatique.

ART. 2. Les crimes à raison desquels l'extradition sera accordée sont les suivants : 1^o Assassinat, empoisonnement, parricide, infanticide, meurtre, viol, castration, avortement, attentat à la pudeur consommé ou tenté avec violence, lorsqu'il l'aura été sur un enfant de l'un ou de l'autre sexe âgé de moins de onze ans; association de malfaiteurs, lorsque ce crime est puni, d'après la législation française, de peines afflictives et infamantes; menaces d'attentat contre les personnes ou les propriétés; extorsion de titres et de signatures; séquestration des personnes; 2^o Coups et blessures volontaires, dans le cas où ces faits sont punissables, suivant la loi française, de peines afflictives et infamantes; 3^o Incendie; 4^o Faux en écriture publique ou authentique et de commerce ou de banque, et faux en écriture privée, y compris la contrefaçon des billets de banque et effets publics, mais non compris les faux qui ne sont point, suivant la lo

française, punis de peines afflictives et infamantes; 5° Fabrication, introduction, émission de fausse monnaie, contrefaçon ou altération de papier-monnaie, ou émission de papier-monnaie contrefait ou altéré; 6° Contrefaçon de poinçons de l'Etat servant à marquer les matières d'or et d'argent; contrefaçon du sceau de l'Etat et des timbres nationaux; 7° Faux témoignage en matière criminelle; faux témoignage et faux serment en matière civile; 8° Subornation de témoin; 9° Vol, lorsqu'il a été accompagné de circonstances qui lui donnent le caractère de crime, d'après la législation française; abus de confiance domestique, lorsque ce crime est puni, d'après la législation française, de peines afflictives et infamantes; soustractions et concussions commises par les dépositaires et fonctionnaires publics, mais seulement dans le cas où, suivant la législation française, elles sont punies de peines afflictives et infamantes; 10° Banqueroute frauduleuse.

ART. 3. Tous les objets saisis en la possession d'un prévenu, lors de son arrestation, seront livrés au moment où s'effectuera l'extradition; et cette remise ne se bornera pas seulement aux objets volés, mais comprendra tous ceux qui pourraient servir à la preuve du crime.

ART. 4. Chacun des deux Gouvernements contractants pourra, dès avant la production du mandat d'arrêt, demander l'arrestation immédiate et provisoire de l'accusé ou du condamné, laquelle demeurera néanmoins facultative pour l'autre Gouvernement. Lorsque l'arrestation provisoire aura été accordée, le mandat d'arrêt devra être transmis dans le délai de deux mois.

ART. 5. L'extradition ne sera accordée que sur la production, soit d'un arrêt de condamnation, soit d'un arrêt de mise en accusation, soit enfin d'un mandat d'arrêt expédié dans les formes prescrites par la législation du pays qui réclame l'extradition, ou de tout autre acte ayant au moins la même force que ce mandat et indiquant également la nature et la gravité des faits poursuivis, ainsi que la disposition pénale applicable à ces faits.

ART. 6. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou délit qu'il a commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait subi sa peine.

ART. 7. Si le prévenu ou le condamné n'est pas sujet de celui des deux Etats contractants qui le réclame, l'extradition pourra être suspendue jusqu'à ce que son Gouvernement ait été, s'il y a lieu, consulté et invité à faire connaître les motifs qu'il pourrait avoir de s'opposer à l'extradition. Dans tous les cas, le Gouvernement saisi de la demande d'extradition restera libre de donner à cette demande

la suite qui lui paraîtra convenable, et de livrer le prévenu pour être jugé, soit à son propre pays, soit au pays où le crime aura été commis.

ART. 8. Il est expressément stipulé que le prévenu ou le condamné dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi ou puni pour un délit politique antérieur à l'extradition, ni pour un des crimes ou délits non prévus par la présente Convention.

ART. 9. L'extradition ne pourra avoir lieu si, depuis les faits imputés, la poursuite ou la condamnation, la prescription de la peine ou de l'action est acquise d'après les lois du pays où le prévenu s'est réfugié.

ART. 10. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée, resteront à la charge des deux Gouvernements dans les limites de leurs territoires respectifs. Les frais d'entretien et de passage sur le territoire des Etats intermédiaires sont à la charge de l'Etat qui réclame l'extradition.

ART. 11. Lorsque, dans la poursuite d'une affaire pénale, mentionnée dans la présente Convention, un des deux Gouvernements jugera nécessaire l'audition de témoins domiciliés dans l'autre Etat, une commission rogatoire sera envoyée, à cet effet, par la voie diplomatique, et il y sera donné suite en observant les lois du pays où les témoins sont invités à comparaître. Les frais résultant de l'exécution de la commission rogatoire sont à la charge du Gouvernement qui la demande.

ART. 12. Si dans une cause, la comparution d'un témoin est nécessaire, le Gouvernement du pays auquel appartient le témoin l'engagera à se rendre à l'invitation qui lui sera faite, et, en cas de consentement, il lui sera accordé des frais de voyage et de séjour d'après les tarifs et règlements en vigueur dans le pays où l'audition doit avoir lieu.

ART. 13. Lorsque, dans une cause pénale instruite dans l'un des deux pays, la confrontation de criminels détenus dans l'autre, ou la production de pièces de conviction ou documents judiciaires sera jugée utile, la demande en sera faite par la voie diplomatique, et l'on y donnera suite, à moins que des considérations particulières ne s'y opposent, et sous l'obligation de renvoyer les criminels et pièces. Les Gouvernements respectifs renoncent, de part et d'autre, à toute réclamation de frais résultant du transport et du renvoi, dans les limites de leurs territoires respectifs, de criminels à confronter, et de l'envoi ainsi que de la restitution des pièces de conviction et documents.

ART. 14. La présente Convention continuera à être en vigueur jusqu'à l'expiration de six mois après déclaration contraire de la part de l'un des deux Gouvernements. Elle sera ratifiée, et les ratifications en seront échangées dans le délai de six semaines, ou plus tôt, si faire se peut.

En foi de quoi, lesdits Plénipotentiaires ont signé le présent Traité et y ont apposé le sceau de leurs armes.

Fait à Francfort-sur-Mein, le 10 juillet de l'an de grâce 1854.

TALLENAY.

Baron DE HOLZHAUSEN.

Compact between the United States and
Ryuku,
signed at Napa, 11 July 1854

THIS agreement with Ryuku or Loocheo is taken from Miller, *Treaties and other International Acts of the United States*, vol. VI, p. 743, who also prints the Chinese text. In 1872 Japan asserted full sovereignty over Ryuku, and the United States acquiesced in this course. See *ibid.*, p.784.

ENGLISH TEXT

Hereafter, whenever Citizens of the United States come to Lew Chew, they shall be treated with great courtesy and friendship. Whatever Articles these people ask for, whether from the officers or people, which the Country can furnish, shall be sold to them; nor shall the authorities interpose any prohibitory regulations to the people selling, and whatever either party may wish to buy shall be exchanged at reasonable prices.

Whenever Ships of the United States shall come into any harbor in Lew Chew, they shall be supplied with Wood and Water, at reasonable prices, but if they wish to get other articles, they shall be purchaseable only at Napa.

If Ships of the United States are wrecked on Great Lew Chew or on Islands under the jurisdiction of the Royal Government of Lew Chew, the local authorities shall dispatch persons to assist in saving life and property, and preserve what can be brought ashore till the Ships of that Nation shall come to take away all that may have been saved; and the expenses incurred in rescuing these unfortunate persons shall be refunded by the Nation they belong to.

Whenever persons from Ships of the United States come ashore in Lew Chew, they shall be at liberty, to ramble where they please without hindrance or having officials sent to follow them, or to spy what they do; but if they violently go into houses; or trifle with

women, or force people to sell them things, or do other such like illegal acts, they shall be arrested by the local officers, but not maltreated, and shall be reported to the Captain of the Ship to which they belong for punishment by him.

At Tumai is a burial ground for the Citizens of the United States, where their graves and tombs shall not be molested.

The Government of Lew Chew shall appoint skillful pilots who shall be on the lookout for Ships appearing off the Island, and if one is seen coming towards Napa, they shall go out in good boats beyond the reefs to conduct her in to a secure anchorage, for which service the Captain shall pay the Pilot, Five Dollars, and the same for going out of the harbor beyond the reefs.

Whenever Ships anchor at Napa, the officers shall furnish them with Wood at the rate of Three Thousand Six hundred copper cash per thousand catties; and with Water, at the rate of 600 copper cash (43 cents) for one thousand catties, or Six barrels full, each containing 30 American Gallons.

Signed in the English and Chinese languages by Commodore Matthew C. Perry, Commander in Chief of the U.S. Naval Forces in the East India, China and Japan Seas, and Special Envoy to Japan, for the United States; and by Sho Fu fing, Superintendent of Affairs (Tsu li-kwan) in Lew Chew, and Ba Rio-si, Treasurer of Lew Chew at Shui, for the government of Lew-Chew, and copies exchanged, this 11th day of July, 1854. or the reign Hien fung, 4th Year, 6th moon, 17th day, at the Townhall of Napa.

M, C, PERRY

Extradition Convention between France
and Portugal,
signed at Lisbon, 13 July 1854

THIS Convention, which is printed also (with a Portuguese translation) by Borges de Castro, *Collecção dos Tratados, Convenções etc. de Portugal*, vol. VIII, p. 34, and in *British and Foreign State Papers*, vol. LXVIII, p. 839, is taken here from De Clercq, *Recueil des Traités de la France*, vol. VI, p. 452, the text including the Interpretative Declaration of 24 October 1854.

FRENCH TEXT

S. M. l'Empereur des Français, et S. M. le Roi Régent, au nom de S. M. le Roi de Portugal et des Algarves, ayant jugé utile de régler par une Convention l'extradition réciproque des accusés ou condamnés réfugiés de l'un des deux Etats dans l'autre, ont, à cet effet, muni de leurs pleins-pouvoirs, savoir :

S. M. l'Empereur des Français, le marquis de *Lisle de Siry*, son Envoyé Extraordinaire et Ministre Plénipotentiaire près S. M. le Roi Régent de Portugal, Commandeur de l'Ordre Impérial de la Légion d'Honneur, Grand-Croix de l'Ordre de la Conception de Portugal;

Et S. M. le Roi Régent, au nom de S. M. le Roi de Portugal et des Algarves, M. Antonio-Aluizio-Jervis d'*Athoguia*, Vicomte d'Athoguia, Pair du Royaume, Commandeur de l'ancien et très-noble Ordre de la Tour et de l'Epée, de la Valeur, de la Loyauté et du Mérite, et de Notre-Dame de la Conception de Villa-Viçôsa, Grand-Croix de l'Ordre Impérial de la Légion d'Honneur en France, de Saint-Maurice et Saint-Lazare de Sardaigne et de l'Ordre de Léopold de Belgique, Commandeur de l'Ordre militaire de Saint-Ferdinand en Espagne, Ministre et Secrétaire d'Etat des Affaires Etrangères, de la marine et des colonies, etc., etc., etc.

Lesquels, après s'être communiqué leurs pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants :

ART. 1^{er}. Les Gouvernements français et portugais s'engagent, par la présente Convention, à se livrer réciproquement, chacun à l'exception de ses nationaux, les individus réfugiés de France en Portugal et de Portugal en France, et poursuivis ou condamnés par les tribunaux compétents, pour l'un des crimes ci-après énumérés. L'extradition aura lieu sur la demande que l'un des deux Gouvernements adressera à l'autre par voie diplomatique.

ART. 2. Les crimes à raison desquels l'extradition sera accordée sont les suivants : 1^o Assassinat, empoisonnement, parricide, infanticide, homicide volontaire, viol, attentat à la pudeur consommé ou tenté avec violence; 2^o Incendie; 3^o Faux en écriture authentique, en écriture de commerce et en écriture privée, y compris la contrefaçon des billets de banque et effets publics, si les circonstances du fait imputé sont telles, que, s'il était commis en France, il serait puni d'une peine afflictive et infamante; 4^o Fabrication ou émission de fausse monnaie; contrefaçon ou altération de papier-monnaie, ou émission de papier-monnaie contrefait ou altéré; 5^o Contrefaçon de poinçons de l'Etat servant à marquer les matières d'or et d'argent; 6^o Faux témoignage, dans le cas où, suivant la législation française, il entraîne peine afflictive et infamante; subornation de témoins; 7^o Vol, lorsqu'il a été accompagné de circonstances qui lui impriment, d'après la législation française, le caractère de crime; abus de confiance domestique; 8^o Soustractions commises par les dépositaires publics, mais seulement dans le cas où, suivant la législation française, elles sont punies de peines afflictives et infamantes; 9^o Banqueroute frauduleuse;

ART. 3. Tous les objets saisis en la possession d'un prévenu, lors de son arrestation, seront livrés au moment où s'effectuera l'extradition, et cette remise ne se bornera pas seulement aux objets volés, mais comprendra tous ceux qui pourraient servir à la preuve du crime.

ART. 4. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou délit qu'il a commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait subi sa peine. Dans le cas où il serait poursuivi ou détenu dans le même pays, à raison d'obligations par lui contractées envers des particuliers, son extradition aura lieu néanmoins, sauf à la partie lésée à poursuivre ses droits devant l'autorité compétente.

ART. 5. L'extradition ne sera accordée que sur la production soit d'un arrêt de condamnation, soit d'un arrêt de mise en accusation, soit enfin d'un mandat d'arrêt décerné contre l'accusé et expédié dans les formes prescrites par la législation du pays qui demande l'extradition, ou de tout autre acte ayant au moins la même force que ce mandat, et indiquant également la nature et la gravité des faits poursuivis, ainsi que la disposition pénale applicable à ces faits. Il sera toujours ajouté foi entière au contenu des documents judiciaires qui seront produits conformément au présent article.

ART. 6. Si le prévenu ou le condamné n'est pas sujet de celui des deux Etats contractants qui le réclame, il ne pourra être livré qu'après que son Gouvernement aura été consulté et mis en demeure de

faire connaître les motifs qu'il pourrait avoir de s'opposer à son extradition. Toutefois, le Gouvernement saisi de la demande d'extradition restera libre de refuser cette extradition, en communiquant au Gouvernement qui la réclame la cause de son refus.

ART. 7. L'extradition ne pourra avoir lieu que pour la poursuite et la punition des crimes communs. Il est expressément stipulé que le prévenu ou le condamné dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi ou puni pour aucun crime ou délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit ou crime. Dans le cas où le prévenu aurait commis un délit, outre le crime à raison duquel l'extradition sera accordée, l'Etat auquel il sera livré prendra l'engagement de ne pas le poursuivre pour ce délit; mais seulement pour le crime motivant l'extradition.

ART. 8. L'extradition ne pourra avoir lieu, si, depuis les faits imputés, la poursuite ou la condamnation, la prescription de la peine ou de l'action est acquise, d'après les lois du pays où le prévenu s'est réfugié.

ART. 9. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée, resteront à la charge des deux Gouvernements, dans les limites de leurs territoires respectifs. Les frais d'entretien et de passage sur le territoire des Etats intermédiaires seront à la charge de l'Etat qui réclame l'extradition.

ART. 10. Lorsque, dans la poursuite d'une affaire pénale, un des deux Gouvernements jugera nécessaire l'audition de témoins domiciliés dans l'autre Etat, une commission rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite en observant les lois du pays où les témoins sont invités à comparaître. Les Gouvernements respectifs renoncent à toute réclamation ayant pour objet la restitution des frais résultant de l'exécution de la commission rogatoire.

ART. 11. Si, dans une cause pénale, la comparution personnelle d'un témoin est nécessaire, le Gouvernement du pays auquel appartient le témoin l'engagera à se rendre à l'invitation qui lui sera faite, et, en cas de consentement, il lui sera accordé des frais de voyage et de séjour, d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu.

ART. 12. Lorsque, dans une cause pénale instruite dans l'un des deux pays, la confrontation de criminels détenus dans l'autre, ou la production de pièces de conviction ou documents judiciaires, sera jugée utile, la demande en sera faite par la voie diplomatique, et l'on y donnera suite, à moins que des considérations particulières ne s'y opposent, et sous l'obligation de renvoyer les criminels et les

pièces. Les Gouvernements respectifs renoncent de part et d'autre à toute réclamation de frais résultant du transport et du renvoi, dans les limites de leurs territoires respectifs, de criminels à confronter et de l'envoi ainsi que de la restitution des pièces de conviction et documents.

ART. 13. La présente Convention ne sera exécutoire que dix jours après sa publication.

ART. 14. La présente Convention continuera d'être en vigueur jusqu'à l'expiration de six mois après déclaration contraire de la part de l'un des deux Gouvernements. Elle sera ratifiée, et les ratifications en seront échangées aussitôt que faire se pourra.

En foi de quoi, nous, Plénipotentiaires de S. M. l'Empereur des Français et de S. M. le Roi Régent de Portugal, avons signé la présente Convention en double original et y avons apposé le sceau de nos armes.

Fait à Lisbonne, le 13 juillet 1854.

E. DE LISLE.

Visconde d'ATHOGUIA.

Déclaration interprétative du Traité ci-dessus échangée à Lisbonne, le 24 octobre 1854, entre les PP. Français et Portugais.

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de S. M. l'Empereur des Français, a pris connaissance, en procédant à l'échange des ratifications sur la Convention d'extradition conclue le 13 juillet dernier entre la France et le Portugal, de la note que S. Ex. M. le Ministre des Affaires Etrangères et de la Marine de S. M. T. F. lui a fait l'honneur de lui présenter, pour déclarer : « que les dispositions de l'art. 5 de la Convention relative-
« ment à la remise des criminels, en vertu d'un mandat d'arrêt, ne
« recevra son exécution, en ce qui concerne les sujets Portugais, que
« quand ce mandat d'arrêt sera expédié à la suite d'un jugement
« dans le cas où les crimes énumérés dans ladite Convention sont
« punis par les lois du Royaume de peines afflictives et infamantes
« (*penas maiores*). »

Bien que le Gouvernement Portugais soit seul juge, en ce qui le touche, de la manière dont il entend appliquer à ses sujets les effets de la disposition de l'art. 5, le Soussigné s'empresse de prendre acte de la déclaration de M. le Ministre des Affaires Etrangères et de la Marine de S. M. T. F. et il profite de cette occasion pour renouveler à S. Ex. M. le Vicomte d'Athogua les assurances de sa très-haute considération.

Lisbonne, le 24 octobre 1854.

E. DE LISLE.

Convention regulating the Rights of Neutrals
at Sea between Russia and the United States,
signed at Washington, 22 July 1854

THE English and French texts of this Convention, the ratifications of which were exchanged at Washington on 31 October 1854, are taken from the United States archives by Miller, *Treaties and other International Acts of the United States*, vol. VI, p. 791. The Convention is also printed by Martens, *Nouveau Recueil Général*, vol. XVI(1), p. 571; Martens et de Cussy, *Recueil Manuel et Pratique des Traités*, vol. VII, p. 343; Malloy, *Treaties etc. between the United States and Other Powers*, p. 1519; and in *British and Foreign State Papers*, vol. XLV, p. 125.

ENGLISH / FRENCH TEXTS

The United States of America and His Majesty the Emperor of all the Russias, equally animated with a desire to maintain, and to preserve from all harm, the relations of good understanding which have at all times so happily subsisted between themselves, as also between the inhabitants of their respective States, have mutually agreed to perpetuate, by means of a formal convention, the principles of the right of neutrals at sea, which they recognise as indispensable conditions of all freedom of navigation and maritime trade. For this purpose, the President of the United States has conferred full powers on William L. Marcy, Secretary of State of the United States; and His Majesty the Emperor of all the Russias has conferred like powers on M^r Edward de Stoeckl, Counsellor of State, Knight of the Orders of S^t Anne, of the 2^d Class, of S^t Stanislas, of the 4th Class, and of the Iron

Les Etats-Unis d'Amerique et Sa Majesté l'Empereur de toutes les Russies animés d'un égal desir de maintenir et de préserver de toute atteinte les rapports de bonne intelligence qui ont de tout temps si heureusement subsisté entre eux-mêmes, comme entre les habitans de leurs Etats respectifs, ont résolu d'un commun accord de consacrer, par une convention formelle, les principes du droit des neutres sur mer qu'ils reconnaissent pour conditions indispensables de toute liberté de navigation et de commerce maritime. À cet effet, le Président des Etats Unis a muni de ses pleins pouvoirs le S^r William L. Marcy, Secrétaire d'Etat des Etats-Unis; et Sa Majesté l'Empereur de toutes les Russies a muni des mêmes pouvoirs le S^r Edouard de Stoeckl, Conseiller d'Etat, Chevalier des Ordres de S^t Anne de la 2^me Classe, de S^t Stanislas de la 4^me Classe, et de la Couronne de fer

Crown of Austria, of the 3^d Class, His Majesty's Chargé d'Affaires near the Government of the United States of America: and said Plenipotentiaries, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

The two High Contracting Parties recognise as permanent and immutable the following principles, to wit:

1st That free ships make free goods—that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2^d That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such powers and States as shall consent to adopt them on their part as permanent and immutable.

ARTICLE II.

The two High Contracting Parties reserve themselves to come to

d'Autriche de la 3^me Classe, Chargé d'Affaires de Sa Majesté près du Gouvernement des Etats-Unis d'Amérique: lesquels Plenipotentiaries, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivans:

ARTICLE I.

Les deux Hautes Parties Contractantes reconnaissent comme permanent et immuable le principe qui suit,¹ savoir:

1^o Que le pavillon couvre la marchandise, (that free ships make free goods,) c'est à dire que les effets ou marchandises, qui sont la propriété des sujets ou citoyens d'une Puissance où Etat en guerre, sont exempts de capture ou confiscation sur les vaisseaux neutres, à l'exception des objets contrebande de guerre.

2^o Que la propriété neutre, à bord d'un navire ennemi, n'est pas sujette à confiscation, à moins qu'elles² ne soit contrebande de guerre. Elles s'engagent à appliquer ces principes au commerce et à la navigation de toute Puissances et Etats qui voudront les adopter de leur coté comme permanents et immuables.

ARTICLE II.

Les deux Hautes Parties Contractantes se réservent de s'en-

¹ These words should be in the plural: "permanents et immuables les principes qui suivent"; but the Russian instrument of ratification has the singular here in both versions. Cf. the plural in the final sentence of this article.

² Properly the singular, "elle".

an ulterior understanding as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1st Article. But they declare from this time that they will take the stipulations contained in said Article 1., as a rule, whenever it shall become a question, to judge of the rights of neutrality.

ARTICLE III.

It is agreed by the High Contracting Parties that all Nations which shall or may consent to accede to the rules of the first Article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

ARTICLE IV.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by His Majesty the Emperor of all the Russias, and the ratifications of the same shall

tendre ultérieurement ¹ selon que les circonstances pourront l'exiger, sur l'application et l'extension à donner, s'il y a lieu, aux principes convenus à l'Article 1. Mais elles déclarent dès à présent qu'elles prendront les stipulations que renferme le dit Article 1, pour règle, toutes les fois qu'il s'agira d'apprécier les droits de neutralité.

ARTICLE III.

Il est convenu entre les Hautes Parties Contractantes que toutes les nations qui voudraient consentir à accéder aux règles contenues dans l'Article 1^{er} de cette convention par une déclaration formelle stipulant qu'elles s'engagent à les observer, jouiront des droits résultant de cette accession comme les deux Puissances signataires de cette convention jouiront de ces droits et les observeront. Elles se communiqueront réciproquement le résultat des démarches qui seront faites à ce sujet.

ARTICLE IV.

La présente convention sera approuvée et ratifiée par le Président des Etats-Unis d'Amérique, par et avec l'avis et le consentement du Sénat des dits Etats, et par Sa Majesté l'Empereur de toutes les Russies, et les ratifications, en seront échangées à

¹ A slip in the spelling.

be exchanged at Washington within the period of ten months, counting from this day, or sooner, if possible.

In faith whereof, the respective Plenipotentiaries have signed the present convention, in duplicate, and thereto affixed the seal of their arms.

Done at Washington the twenty-second day of July, the year of grace 1854.

[Seal] W. L. MARCY.

[Seal] EDOUARD STOECKL

Washington dans l'espace de dix mois, à compter de ce jour, ou plus tôt, si faire se peut.

En foi de quoi les Plenipotentiaires respectifs ont signé la présente convention en duplicata, et y ont apposé le cachet de leurs armes.

Fait à Washington le vingt-deuxième de Juillet, l'an de grace 1854.

[Seal] W. L. MARCY.

[Seal] EDOUARD STOECKL.

Declarations between the Hanse Towns
(Bremen, Hamburg and Lubeck) and the Holy
See relative to the Abolition of
Differential Dues,
signed 14 March/19, 25, 28 July 1854

THIS translation is taken from *British and Foreign State Papers*, vol. XLV,
p. 1305.

ENGLISH TRANSLATION

DECLARATION OF ROME.

Rome, March 14, 1854.

THE Undersigned, Cardinal Secretary of State, having received from the Senate of Hamburg, the Senate of Bremen, and the Senate of Lubeck, respectively, the assurance that Papal vessels arriving in the ports of the Hanseatic towns, or departing therefrom, whether with cargoes or in ballast, and from whatever place arriving, or to whatever place bound, without distinction, are not subjected to any other or higher dues than those to which Hanseatic vessels are liable, either as respects the dues on merchandize, or those which affect the vessels, of whatever nature these dues may be, or for the profit of whomsoever levied; as also, that goods of every kind, and of whatever origin, exported from the Papal States and the ports thereof, will not be subjected to any higher duty than that to which the same articles imported from other places are subjected, declares, on his part, that so long as the above-mentioned concessions shall remain unchanged:

1. Hanseatic ships, arriving in the ports of the Papal States, whether with cargoes or in ballast, and from whatever place arriving or to whatever place bound, without distinction, shall not be subjected to any other or higher dues than Papal ships, either as respects the dues on the merchandize, or those which affect the vessels, of whatever nature these dues may be, or for the profit of whomsoever levied.

2. Produce of whatever kind and of whatever origin exported from the Hanseatic towns to a Papal port, shall not be subjected to any higher duty, than the same produce imported from any other country.

3. Fishery and the coasting trade are excepted from the above assimilation.

Done at Rome, March 14, 1854.

(L.S.) G. CARD. ANTONELLI.

DECLARATION OF HANSE TOWNS.

July, 1854.

THE Government of His Holiness having given to us, the Senates of the Free Hanse Towns, of Lubeck, Bremen, and Hamburg, the assurance:

That Hanseatic ships arriving in Papal ports, whether with cargoes or in ballast, and from whatever place arriving, or to what-

ever place bound, without distinction, are not subjected to any other or higher dues than Papal ships, either as regards the dues on the merchandize or on the ships, of whatever nature these dues may be, and for the profit of whomsoever levied; as also, that goods of whatever kind and whatever origin, exported from the Hanse Towns and their ports, are not subjected in the States of the Church to any higher duty than the same articles imported from any other place: which arrangement, however, is not applicable to fishery and the coasting trade:

We, the Senate of the Free Hanse Town of Lubeck, the Senate of the Free Hanse Town of Bremen, and the Senate of the Free Hanse Town of Hamburg, declare, by these presents, that so long as the above concessions remain unchanged:

1. Papal ships arriving in the ports of the Hanse Towns, whether with cargoes or in ballast, and from whatever place arriving, and to whatever place bound, without distinction, shall be subjected to no other or higher dues than Hanseatic ships, either as respects the dues on the merchandize or those which affect the ships, of whatever nature these dues may be, and for the profit of whomsoever levied.

2. Goods of whatever kind and of whatever origin, exported from the Papal States, and imported into the harbours of the Hanse Towns, shall not be subjected to any higher duty than the same articles imported from other countries.

3. Fishery and the coasting trade are excepted from this agreement.

Given under the seals of our Towns and the signatures of our Secretaries.

Done at Lubeck, 19th July, 1854.

By special commission of the most Honourable Senate of the Republic of Lubeck, I, in testimony, have signed,

(L.S.) J. M. OVERBECK, *Secretary of the said Republic.*

Done at Bremen, 25th July, 1854.

By special commission of the Senate of the Free Hanse Town of Bremen, attested and signed,

(L.S.) OTTO GILDEMEISTER, *Secretary.*

Done at Hamburg, 28th July, 1854.

By special commission of the most Honourable Senate of Hamburg, I have signed,

(L.S.) J. K. SIEVERING, *Secretary of the Republic of Hamburg.*

Engagement between the United States
and Lagos,
signed off Lagos, 31 July 1854

THIS text is taken from *British and Foreign State Papers*, vol. XLV, p. 1035.

ENGLISH TEXT

*Engagement between the King and Chiefs of Lagos and
Commodore Mayo.*

U.S. flag-ship Constitution, off Lagos, July 31, 1854.

COMMODORE MAYO, Commander-in-chief of The United States' naval forces on the West Coast of Africa, having arrived off this port, desires to salute the King of Lagos.

The United States have for a long time maintained a squadron on the coast of Africa, to protect the persons and property of American citizens engaged in lawful commerce, and to arrest and bring to justice all persons who may endeavour to prosecute the

Slave Trade under the cover of the American flag. The Commodore has heard with much satisfaction that the King of Lagos has done all in his power to suppress the African Slave Trade, and that he affords every facility to vessels that come to his territory for the purpose of lawful traffic. He would be much gratified by receiving from the King and Chiefs of Lagos some formal and written assurance that citizens of The United States may always trade freely with the people of Lagos in all ports, places, and rivers within their territory, and some pledge that the King and Chiefs will show no favour and give no privilege to the ships and traders of other countries, which they do not show to those of The United States, and that all citizens of The United States shall, under all circumstances, be placed upon the same footing with the citizens of the most favoured nation.

Commodore Mayo requests the King to receive the assurance of his high respect and consideration.

His Majesty the King of Lagos.

Flag-ship Constitution, off Lagos, July 31, 1854.

Docemo, King of Lagos, with his chiefs and councillors, having carefully considered and discussed the propositions contained in the foregoing letter, do, on the part of themselves and of their country, hereby assent to all the aforesaid propositions, and solemnly promise and guarantee to all citizens of The United States every right and privilege which may at any time be granted to the most favoured nation with whom the King and Chiefs of Lagos have already formed, or may hereafter form a Treaty, or conclude an agreement.

	their
KING DOCEMO	X.
OLOOMOBONG	X.
TALABEE	X.
OLOOCOHE	X.
ACHABONG	X.
OBERCHOR	X.
SERBER	X.
	marks.

Witnesses:

JNO. RUDD, *Commander, U. S. Navy.*

C. R. P. RODGERS, *Flag-Lieutenant, African Squadron.*

U.S. Flag-ship Constitution, off Lagos, July 31, 1854.

I, S. B. Williams, a native of Lagos, and collector of the revenue of the King of Lagos, having been educated at the English school at Sierra Leone, have faithfully interpreted to the King and Chiefs of Lagos the contents of the foregoing letter, and also the compact

which they have signed, and I now certify that both the letter and compact are fully understood by them.

S. B. WILLIAMS, *Collector and Interpreter to the
British Consulate.*

J. MAYO, *Commander-in-chief of the U. S. Naval
Forces, West Coast of Africa.*

Witness to signatures in the above, and to the signature of the interpreter to the British Consulate and collector of the King's revenue.

B. CAMPBELL, *H.B.M. Consul.*

Treaty of Commerce and Navigation between
Sardinia and Turkey,
signed at Constantinople, 31 July 1854

THE French text of this Treaty, which was signed also in Turkish, is reproduced from *British and Foreign State Papers*, vol. LIII, p. 927. It is printed also by Solar de la Marguerite, *Traité Publics de la Royale Maison de Savoie*, vol. VIII, p. 166.

FRENCH TEXT

[Ratifications échangées à Constantinople, le 9 Novembre, 1854.]

PREAMBULE.

Au nom de Dieu.

QUOIQUE la navigation et le commerce des sujets Sardes dans l'Empire Ottoman se trouvent réglés par des Conventions et des Traités existants entre la Cour Royale de Sardaigne et la Sublime Porte, notamment par le Traité de Commerce conclu entre elles le 2 Septembre, 1839 (23 Djémazi Ahir 1255 de l'Hégire), les deux Hautes Cours ayant dernièrement reconnu la convenance d'introduire dans lesdits Traités des modifications de nature à favoriser encore davantage les transactions commerciales de leurs sujets respectifs, tout en les faisant accorder aux règlements du commerce intérieur et de l'industrie des Ottomans; à cet effet, et en même temps, dans le but de resserrer de plus en plus les liens de leur amitié sincère et intime, elles ont résolu de nommer des Plénipotentiaires pour la conclusion d'un nouveau Traité.

En conséquence Sa Majesté le Roi et Padichah de Sardaigne a nommé son Plénipotentiaire le Baron Jean Pierre Romuald Tecco, Commandeur de son Ordre Royal des Saints Maurice et Lazare, décoré de l'Ordre Impérial du Nichan Iftihar de première classe, son Ministre résident près la Sublime Porte; et Sa Majesté Impériale le Sultan a également nommé Son Altesse Réchid Pacha, son ex-Grand-Vizir et son actuel Ministre des Affaires Etrangères, décoré de son Ordre de Medjidié de première classe et de 5 autres décorations impériales particulières, du Grand Cordon des Ordres de la Légion d'Honneur de France, de l'Aigle Rouge de Prusse, de Charles III et Isabelle la Catholique d'Espagne, de Léopold de Belgique, du Lion Néerlandais de Holland, de la Tour et de l'Epée

de Suède et Norwège, des Saints Maurice et Lazare de Sardaigne, de la Tour et de l'Epée de Portugal, de Saint Ludovic de Parme, et de beaucoup d'autres Ordres distingués.

Les deux Plénipotentiaires, s'étant réciproquement communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, après plusieurs conférences sont tombés d'accord et convenus sur les Articles suivants :

ART. I. Les précédents Traités entre la Cour Royale de Sardaigne et la Sublime Porte, ainsi que les droits, privilèges et immunités qui s'y trouvent stipulés en faveur des Sujets et des navires Sardes sont confirmés à jamais, à l'exception de ce qui en est modifié dans le présent Traité.

La Sublime Porte s'engage à les faire inviolablement observer par ses fonctionnaires civils et militaires tant de terre, que de mer. Elle promet et assure, en outre, la pleine et entière jouissance de tout autre droit, bénéfice ou avantage qui est ou qui sera dorénavant accordé dans ses Etats aux Nations étrangères les plus favorisées.

II. Outre le droit primitif du 3 pour cent établi sur toutes les denrées et marchandises tant d'importation que d'exportation, en compensation des anciens droits pour le commerce intérieur supprimés à teneur de dernier Traité, les négociants Sardes, devant payer les droits additionnels du 9 pour cent pour l'exportation et du 2 pour cent pour l'importation, afin d'éviter les embarras occasionnés dans la perception faite séparément de l'ancien droit du 3 pour cent. sur les marchandises importées lors de leur arrivée et débarquement à l'échelle et de celui du 2 pour cent additionnel au moment de la vente; on percevra tout à la fois, à l'arrivée desdites marchandises à l'échelle, avec l'ancien droit du 3 pour cent, le droit additionnel aussi du 2 pour cent, c'est-à-dire le 5 pour cent pour ces deux droits ensemble qu'on inscrira séparément dans les registres de la Douane.

A l'objet cependant de faciliter les affaires des négociants, pourvu qu'ils donnent une garantie, on pourra leur accorder pour le paiement du 2 pour cent additionnel le terme d'un an à compter du jour que ledit droit aura été inscrit dans les registres de la Douane. Et si après le paiement du dit droit additionnel, les négociants Sardes prouveront que leurs marchandises n'ont pas été vendues dans l'intérieur de l'Empire, et qu'ils ont l'intention de les renvoyer dans un pays étranger, alors le dit droit leur sera rendu. Il sera cependant fixé un délai de 3 mois à dater du jour du paiement du droit additionnel pour les marchandises qu'on renverra à l'étranger; après lequel seulement, si les négociants se présenteront pour cet objet, on leur rendra le dit droit additionnel, sans exiger d'eux aucun autre droit d'exportation ou redevance quelconque.

III. Tout en confirmant l'Article III du dernier Traité concernant le commerce intérieur, en conformité aussi des dispositions relatives à la liberté de commerce accordée aux sujets sardes; ceux-ci, après qu'ils auront payé les droits établis sur les marchandises et denrées qu'ils auront achetées, pourront les revendre dans les Etats de la Sublime Porte, en colis ou en pièces, mais ils ne pourront exercer le même commerce en détail, à l'instar des esnafs (corporations d'arts et métiers), sujets de la Sublime Porte. L'exercice aussi des arts et métiers, dans les Etats Ottomans, étant réservé aux sujets de la Sublime Porte, il ne sera pas permis aux sujets Sardes de les y exercer, ni d'ouvrir des ateliers à cet objet.

IV. La Sublime Porte confirme, dans toute sa plénitude, la liberté de transit pour les marchandises et les navires de commerce Sardes, qui passent les détroits des Dardanelles et du Bosphore pour se rendre dans la Mer Noire et *vice versa*. Dans le cas qu'il serait nécessaire de débarquer, en dépôt, les marchandises arrivées par les dits navires dans un endroit quelconque, pour un temps déterminé, c'est-à-dire jusqu'à ce qu'elles soient réembarquées pour leur destination sur un navire Sarde ou d'autre nation, on devra absolument en informer la Douane locale. Ces marchandises seront déposées dans les magasins de ladite Douane, ou, s'il n'y avait pas de place, dans un autre local convenable au su et sous le timbre de la Douane elle même. Lorsque ces mêmes marchandises devront être réembarquées, elles seront remises par la Douane à leur propriétaire, dans l'état dans lequel elles se trouveront, sans qu'on puisse en percevoir aucun droit.

V. Dans le cas que la disette ou quelque'autre nécessité absolue obligeât la Sublime Porte à interdire l'exportation d'une marchandise ou denrée du produit de la Turquie, un terme convenable sera fixé pour la mise en vigueur de cette prohibition, et la Légation de Sardaigne sera avertie préalablement quelle sera la marchandise prohibée, et combien de temps cette prohibition devra durer afin que cela soit publié dans les échelles requises. Il ne sera accordé à cet égard aucune exception en faveur de qui que ce soit, et si telle chose avait lieu, on en agira de même en faveur des négociants Sardes.

VI. Les canons, la poudre, les boulets et autres projectiles d'armes à feu resteront défendus au commerce, comme articles de guerre; les marchands ne pourront vendre que du petit plomb pour la chasse et jamais plus de 5 oques à la fois, et de la poudre en proportion. Dans le cas où des navires marchands Sardes apporteraient des canons dans un but de commerce, ces canons ne pourront être vendus ni expédiés ailleurs à l'insu de l'autorité. Ils seront par conséquent débarqués et mis en dépôt à la Douane du port où ils arriveraient, et lorsque d'autres navires de commerce voudraient les

acheter, la vente en devra être vérifiée par l'autorité elle-même, qui ne leur accordera que le nombre nécessaire à leur usage.

VII. La Cour de Sardaigne, à la suite d'un accord spécial avec la Sublime Porte, consent à excepter de la liberté générale de commerce assurée aux sujets Sardes les articles suivants, qui ont trait à des droits revenant à l'Etat, étant des revenus dont la jouissance est réservée au Trésor impérial :

1. La pêche des sangsues, dans les différentes localités de l'Empire Ottoman, sera, comme autrefois, adjugée aux enchères de la part du Ministère des finances. Cette pêche étant soumise à des règles particulières, les sujets Sardes ne pourront y concourir qu'en acceptant les conditions qui seront faites aux autres adjudicataires et ne pourront pas contrevenir aux règlements spéciaux en vigueur à l'égard de ladite pêche.

2. La pêche et la vente du poisson, pour en faire commerce, étant réservée aux sujets Ottomans comme du ressort des esnafs, les sujets Sardes ne pourront pas y être autorisés.

3. La vente de l'alun, produit des Etats Ottomans, ne pourra se faire que d'après les règlements spéciaux établis par la Sublime Porte. Les négociants Sardes seront libres d'acheter d'alun, moyennant le paiement des droits établis pour toutes les autres marchandises du produit du sol Ottoman qu'ils exporteront.

4. Les sujets Sardes qui voudront faire le commerce du sel dans l'Empire Ottoman auront à se soumettre aux règlements relatifs en vigueur. Toutefois dès que les susdits sujets auront complètement satisfait aux droits établis pour l'exportation de toute autre marchandise, ils seront autorisés à acheter et à exporter les sels des pays Ottomans, après avoir payé lesdits droits.

5. Le tabac à priser, importé de l'étranger, ne pourra être débité qu'en gros tel qu'il arrive, sans défaire les carottes et sans déboucher les boîtes ou les vases dans lesquels on l'apporte. Mais la vente en détail à la balance sera exclusivement réservée aux esnafs. Le tabac du produit de la Turquie sera librement acheté pour l'exportation, mais il ne sera point permis aux négociants Sardes de le revendre dans les Etats Ottomans.

6. Les sujets Sardes qui achèteront du tabac à fumer produit du sol de la Turquie, pour l'exporter, lorsqu'ils paieront les droits établis pour l'exportation, dans le cas qu'ils ne pussent pas exhiber en même temps le *tezkeré* constatant le paiement des dîmes qu'a dû faire le vendeur, ils seront tenus à faire eux-mêmes ce paiement. Si les sujets Sardes auront l'intention de revendre le dit tabac dans l'intérieur de l'Empire, cela étant du ressort du commerce intérieur, on les traitera à cet égard comme les sujets les plus favorisés de la Sublime Porte et en conformité des règlements intérieurs, ils paieront les mêmes droits que paient les sujets Ottomans.

7. Le débit des vins et autres boissons fortes ne sera point exercé par les sujets Sardes à l'oque, ou au verre, ni dans les boutiques, ni dans leurs magasins, navires, embarcations ou chaloupes; mais ce commerce leur sera permis en gros, par tonneaux ou dame-jeannes; sans être entravé par aucune taxe ou difficulté en dehors des Traités. Si les boissons fortes qu'ils auraient apportées sont du produit des Etats Ottomans, comme cela entrerait dans la catégorie du commerce intérieur, ils paieront les mêmes droits que les sujets les plus privilégiés de la Sublime Porte.

8. La manière de la coupe du bois à brûler et de construction dans les forêts de l'Empire Ottoman, ainsi que de son exportation, étant soumise à un règlement spécial, les sujets et les négociants Sardes qui voudront acheter du bois de construction pour l'exporter à l'étranger, pourront le faire, en se soumettant aux dits règlements; cependant ils n'auront pas le droit de faire procéder à la coupe du dit bois de construction dans les forêts.

VIII. La soie provenant du sol Ottoman, après que les négociants Sardes en auront payé les droits de Douane pour l'exportation, ne pourra pas être transportée à des échelles écartées, où il n'existe pas de bureau de Douane; mais elle devra être embarquée dans l'un des ports ou échelles désignées dans la liste remise par la Sublime Porte à la Légation Royale de Sardaigne: liste qui ne pourra pas être modifiée sans le consentement préalable de la Légation elle-même.

IX. Les privilèges et autres conditions, stipulés par le présent Acte, seront scrupuleusement observés en tout ce qui concerne le commerce des sujets et négociants Sardes, soit qu'ils le fassent en personne, soit qu'ils l'exercent par leurs fondés de pouvoirs, agents et associés de quelque nation qu'ils soient; mais la Légation de Sardaigne veillera à ce que ses nationaux ne puissent abusivement prêter leur nom à des spéculations étrangères ou illicites; et si jamais un sujet Sarde était convaincu de pareil abus, il ne manquera pas d'être réprimé par les autorités Sardes, selon la gravité du cas.

X. L'exhibition à la Douane du manifeste relatif à la cargaison des bâtimens Sardes aura lieu conformément au règlement arrêté de concert entre la Sublime Porte et la Sardaigne.

XI. La Sublime Porte promet de faire exécuter dans tous les pays de son Empire, tant en Europe qu'en Asie et en Afrique, les stipulations contenues dans ce Traité. Elle s'engage en outre à ce que dans le Gouvernement d'Egypte et ses dépendances le commerce Sarde puisse jouir des mêmes arrangements et facilités de détail, dont jouit le commerce des autres nations les plus favorisées.

XII. Les deux Hautes Cours Contractantes prenant en considération que, parmi les Provinces qui font part des Etats de la Sublime Porte, les Principautés de Valachie, de Moldavie et de

Servie jouissent d'une administration séparée; ont convenu que les marchandises de provenance Sarde ou étrangère que les négociants Sardes importeraient dans les dites provinces, paieront aux Donanes de ces dernières les droits indiqués dans l'Article II du présent Traité. Ces mêmes marchandises n'auront ainsi plus rien à payer dans les autres échelles de l'Empire Ottoman où elles aborderaient de passage ou seraient déposées pour un temps limité, avant de parvenir à leur destination, en observant dans ces cas les conditions prescrites dans l'Article IV du présent Traité.

XIII. Une parfaite réciprocité ne pouvant avoir lieu dans le Royaume de Sardaigne pour ce qui concerne les droits et règlements de commerce à l'égard des sujets et négociants Ottomans, le Gouvernement de Sa Majesté Sarde s'engage à accorder dans ses Etats, en leur faveur, ainsi qu'en faveur de leurs navires de commerce et marchandises, le traitement qui est ou serait à l'avenir accordé aux sujets, négociants, navires et marchandises des Puissances étrangères les plus favorisées.

XIV. Afin d'empêcher que par simulation du pavillon Ottoman les navires et les négociants sujets d'autres Puissances moins favorisées, ne puissent jouir abusivement du traitement avantageux qui a été stipulé par le précédent Article, en faveur de la navigation et du commerce des sujets de la Sublime Porte, il est expressément convenu que les capitaines et les deux-troisièmes de l'équipage sur les bâtiments portant le pavillon susdit devront être sujets Ottomans, pour avoir droit de réclamer les traitements susmentionnés dans les ports des Etats Sardes; bien entendu que ces bâtiments devront aussi être régulièrement munis de leurs papiers bérats et tezkérés constatant la nationalité et la propriété du navire. La même condition aura lieu réciproquement à l'égard des navires couverts par le pavillon Sarde pour être admis à jouir des avantages assurés à la navigation et au commerce Sarde dans les ports de l'Empire Ottoman.

XV. La durée de ce Traité Commercial est fixée à 10 ans à compter de la date de sa signature. 6 mois avant l'expiration de ce terme, les deux Cours Contractantes auront à se prévenir, mutuellement si leur intention est de s'en tenir ultérieurement aux dispositions du présent Acte, ou de s'entendre sur quelques modifications à y apporter pour la plus grande facilité des relations commerciales qu'elles tiennent à cœur de favoriser et de protéger entre les nations respectives.

CONCLUSION.

Le présent Traité devant être ratifié par les deux Hautes Cours, les ratifications en seront échangées à Constantinople dans le terme de 3 mois, ou plus tôt si faire se peut; et en attendant, les 15

Articles qui précèdent, avec leur préambule et cette conclusion, ayant été stipulés et arrêtés de commun accord entre les deux Plénipotentiaires, le présent instrument en langue Française, muni de la signature et du sceau du Plénipotentiaire de Sardaigne, est dès aujourd'hui échangé contre celui qui, rédigé dans une teneur identique, en langue Turque, lui est délivré par Son Altesse Plénipotentiaire de la Sublime Porte.

Constantinople, le $\frac{3}{17}$ Juillet, 1854, 6 de la lune de Zilcadé 1270, de l'Hégire.

(L.S.) R. TECCO.

(L.S.) RECHID PACHA.

ARTICLE SECRET ET ADDITIONNEL.

Pour ce qui concerne les restrictions à la liberté du commerce stipulées dans les différents Articles et paragraphes du Traité qui précède, la Sublime Porte désirant prouver encore à cette occasion, son amitié particulière envers la Sardaigne, consent à ce que ces restrictions ne soient mises en vigueur à l'égard du commerce Sarde, qu'autant qu'elles le seront pour celui des nations les plus favorisées.

Cet Article Secret et Additionnel, formant partie intégrante du dit Traité, comme s'il y était inséré mot à mot, sera séparément ratifié et compris dans l'échange des ratifications de ce Traité même. A cet objet le présent Acte, en langue Française, muni de la signature et du sceau du Plénipotentiaire de Sardaigne, est échangé contre celui qui, rédigé en langue Turque, dans une teneur identique, lui est remis par Son Altesse le Plénipotentiaire de la Sublime Porte.

Constantinople, ce $\frac{5}{17}$ Août, 1854, 23 de la lune de Zilcadé 1270 de l'Hégire.

(L.S.) R. TECCO.

Consular Convention between Ecuador
and New Granada,
signed at Lima, 1 August 1854

THE Spanish text of this Convention is reproduced from *Tratados Publicos etc. de los Estados de Colombia* (1866), p. 306, and the English translation from *British and Foreign State Papers*, vol. XLIX, p. 1190.

SPANISH TEXT

En el nombre de la Santísima Trinidad.

Los Gobiernos de la República de la Nueva Granada i el Ecuador, convencidos de la utilidad que resulta de establecer con fijeza en una convencion consular las atribuciones de los Cónsules i Vice-cónsules i las prerogativas de que deben gozar en ámbos países, han autorizado competentemente para ello a sus respectivos Plenipotenciarios, a saber :

El Gobierno de la Nueva Granada al ciudadano Manuel Ancizar, Encargado de Negocios cerca del Ecuador i del Perú, i el del Ecuador, al ciudadano Pedro Moncayo, Enviado Estraordinario i Ministro Plenipotenciario de aquella República cerca de las del Perú i Chile, quiénes, prévio el exámen i canje de sus plenos poderes, que hallaron bastantes en debida forma, convinieron en las estipulaciones que siguen:

Art. 1.º Las Repúblicas contratantes tendrán derecho de mantener Cónsules jenerales, Cónsules o Vice-cónsules en todas las ciudades, puertos, o plazas abiertas al comercio estranjero en sus respectivos territorios en que la residencia de esta clase de funcionarios fuere permitida.

Si alguna de las partes contratantes esceptuare, como puede hacerlo, alguna de las ciudades, plazas o puertos en donde no le pàrezca conveniente la residencia de dichos empleados, deberá la escepcion ser comun a todas las Naciones.

Art. 2.º Los Cónsules jenerales, Cónsules o Vice-cónsules nombrados por una de las partes contratantes, presentarán, segun se acostumbra, sus letras patentes o de provision al Gobierno de la República en cuyo territorio hayan de residir, a fin de que espida, si lo tiene a bien, el *exequatur* necesario para el ejercicio de las funciones consulares, sin cobrar por este acto derecho alguno. El Cónsul exhibirá el *exequatur* a las autoridades superiores del lugar en que habrá de ejercer sus funciones, para que ellas ordenen se le reconozca en su empleo i se le guarden las prerogativas que le corresponden en el respectivo distrito consular.

Los Gobiernos de las dos Repúblicas tienen el derecho de rehusar el *exequatur*, así como de retirarlo despues de espedido; pero en uno i otro caso espresarán al Gobierno a quien sirve el Cónsul, los motivos que hayan inducido a obrar de esta manera.

Art. 3.º Las prerogativas de que gozarán los Cónsules o Vice-cónsules de cada una de las partes contratantes en el territorio de la otra serán:

1.ª Independencia de las autoridades del territorio en que residen, en lo esclusivamente relativo al ejercicio de sus funciones consulares;

2.ª Esencion de ser presos por deudas, si fueren Cónsules jenerales;

3.ª Esencion de todo cargo o servicio público;

4.ª Esencion de toda contribucion personal;

5.ª Derecho de enarbolar el pabellon i colocar sobre la puerta de la casa que habiten el escudo de armas de la República a que sirvan, con una inscripcion en que se espresé el empleo que ejercen para dar a conocer fácilmente el despacho consular a los que a él tengan que concurrir.

Art. 4.º De las esenciones tercera i cuarta no gozarán los Cónsules o Vice-cónsules que fueren ciudadanos de la Nacion en que residen, o que sean comerciantes, aunque ciudadanos de la República a que sirven. En este último caso no gozarán tampoco de la esencion segunda.

Art. 5.º Siempre que se estime necesaria la asistencia de los Cónsules o Vice-cónsules a los tribunales o juzgados de la República en que ejercen funciones, se les citará por escrito, i se les dará en ellos un asiento de preferencia entre los asistentes al tribunal.

Art. 6.º Los archivos i papeles de los Consulados serán inviolables; de modo que las autoridades en ningun caso podrán apoderarse de ellos ni sujetarlos a exámen.

Art. 7.º Las personas de los Cónsules quedan sometidas a las leyes de la República en que residen, en todo aquello que no concierne al ejercicio de sus funciones. Sus casas no obtienen el derecho de asilo, ántes bien estarán, como las de los simples particulares, bajo la accion legal de las autoridades.

Art. 8.º Los Cónsules admitidos al ejercicio de sus funciones en cada una de las Repúblicas contratantes, tendrán las facultades que se espresan en los artículos siguientes:

Art. 9.º Los Cónsules podrán dirigirse a las autoridades del distrito de su residencia, i ocurrir en caso necesario al Gobierno Supremo, por medio del Ajente diplomático de su Nacion, si lo hubiere, i directamente en caso contrario, a fin de reclamar contra cualquiera infraccion de los tratados existentes, o abusos que cometan los empleados i autoridades del pais en perjuicio de individuos de la Nacion a que sirve el Cónsul. Podrán tambien apoyar a sus compatriotas ante las autoridades del pais, en las jestion es que entablaren por actos abusivos, cometidos por algun funcionario, i asumir en estos casos la representacion que por los intereses de sus nacionales les corresponde.

Art. 10. Las averías que las naves, o los efectos o mercancías que condujeren, experimentaren al dirigirse a los puertos de una de las Repúblicas contratantes, serán arregladas por los Cónsules respectivos, siempre que no haya estipulacion contraria entre los armadores, cargadores i aseguradores. Si se hallaren interesados en tales averías habitantes del pais en que resida el Cónsul que no sean ciudadanos de la República a que pertenezca la nave, conocerán i resolverán sobre la avería las autoridades locales, i el Cónsul solo podrá intervenir como representante de intereses de sus conciudadanos. Tambien conocerán las autoridades locales si los interesados en la avería fueren de la Nacion a que pertenezca el Cónsul, i reclamaren la intervencion de ellas.

Art. 11. Los Cónsules decidirán las diferencias suscitadas en alta mar, siempre que no figure en ellas un ciudadano o nacional del pais en que residen, entre el capitán i oficiales, u otros individuos de la tripulacion. Intervendrán asimismo en la policía interior de las naves de su Nacion surtas en los puertos, i conocerán de las quejas o cuestiones entre capitanes i marineros sobre contrato de enganche o salarios. Las autoridades

locales conocerán, aun en los casos de que habla este artículo : 1.º si los desórdenes ocurridos a bordo del buque surto en el puerto perturbaren la tranquilidad pública, sea en tierra o a bordo de otros buques : 2.º si en ese desorden, aun cuando no llegue a perturbarse la tranquilidad, se hubieren mezclado individuos que no pertenezcan a la tripulacion : 3.º si fueren requeridas a intervenir, o si mediare queja por actos que importen un grave abuso de parte de las personas encargadas de la policía interior del buque.

Art. 12. Los Cónsules podrán tambien componer amigable i estra-judicialmente las diferencias que sobre asuntos mercantiles se susciten entre sus conciudadanos, consintiéndolo ellos. Las resoluciones que, como árbitros amigables, elejidos por los interesados, espidieren, serán respetadas por las autoridades del Estado en que residen.

Art. 13. Toca al Cónsul dirigir las operaciones relativas al salvamento de los buques de su Nacion naufragados o encallados en las costas de su distrito. La intervencion de las autoridades locales solo tendrá lugar para mantener el órden, dar seguridad a los intereses salvados, garantir los intereses de los salvadores, en caso de no ser de las tripulaciones náufragas, i para asegurar la ejecucion de las disposiciones que deben observarse en la entrada i salida de las mercaderías salvadas. En ausencia i hasta la llegada del Cónsul o Vice-cónsul, las autoridades locales tomarán todas las medidas precisas para la proteccion de los individuos i la seguridad de los efectos salvados. Estos no estarán sujetos a ningún derecho de aduana, a ménos que se destinen al consumo interior.

Art. 14. En el caso de fallecer un ciudadano de la Nacion del Cónsul, sin albacea ni heredero en el territorio de la República, le corresponderá la representacion en todas las diligencias, para la seguridad de los bienes, conforme a las leyes de la República en que residia. Podrá cruzar con sus senos los puestos por la autoridad local, i deberá ocurrir, en el dia i hora que aquella indique, cuando fuere del caso quitarlos. La falta de asistencia del Cónsul al dia i hora fijados, con una espera prudente, no podrá suspender los procedimientos legales de la autoridad local.

Art. 15. En caso de morir intestado algun compatriota suyo, podrá el Cónsul intervenir en la formacion de los inventarios, en los avalúos, nombramientos de depositarios i otros actos semejantes que tiendan a la conservacion, administracion i liquidacion de los bienes. El Cónsul será de derecho representante de todo compatriota suyo que pueda tener interes en una sucesion, i que hallándose ausente del lugar donde esta se abre, no haya constituido mandatario. Como tal representante, ejercerá todos los derechos del mismo heredero, ménos el de recibir los dineros i efectos de la sucesion, para lo cual será siempre necesario mandato especial. Dichos dineros i efectos, mientras no hubiera este mandato, deberán depositarse en una arca pública o en manos de una persona a satisfaccion de la auto-

ridad local i del Cónsul. El Juzgado, a peticion del Cónsul, podrá ordenar la venta de los bienes muebles hereditarios que estuvieren espuestos a deterioro, i el depósito de su valor en una arca pública; pero no podrá adoptarse igual disposicion respecto de los otros bienes, sino despues de transcurridos cuatro años, contados desde el fallecimiento, sin haberse presentado heredero.

Art. 16. Tendrán facultad de requerir el auxilio de las autoridades para la prision, detencion i custodia de los desertores, tanto de los buques de guerra como de los mercantes de su pais, exhibiendo, si fuere necesario, el registro del buque i rol de la tripulacion u otro documento que justifique la solicitud. Aprehendidos los desertores, se pondrán a la disposicion del Cónsul, i pueden ser retenidos a solicitud i a espensas suyas en las cárceles públicas hasta por dos meses; i si cumplido este término no se hubieren remitido a los buques a que pertenecen u otros de su Nacion; serán puestos en libertad por la autoridad local, i no se les arrestará nuevamente por la misma causa.

Si el desertor hubiere cometido algun crimen u ofensa en el territorio de la República en donde reside el Cónsul, no será entregado hasta pronunciarse i ejecutarse la sentencia del Tribunal a que fuere sometido.

Art. 17. Los Cónsules jenerales podrán nombrar Vice-cónsules, siempre que estén especialmente autorizados para hacerlo; i los Cónsules o Vice-cónsules un Canciller o Secretario, cuando no lo tenga su Consulado, i sea necesario para autorizar sus actos.

Art. 18. Los Cónsules de una de las altas partes contratantes en cualesquiera plazas o puertos extranjeros en donde a la sazón no hubiere Cónsules de la otra parte contratante, prestarán a las personas, buques i propiedades de la segunda, la misma protección que a las personas, buques i propiedades de sus compatriotas, sin exigir a aquellos, por el despacho de los negocios de su oficio, otros ni mas altos derechos o emolumentos que los acostumbrados respecto de sus nacionales.

Art. 19. En caso de muerte del Cónsul, de su ausencia u otro impedimento para el ejercicio de sus funciones, i a falta de Vice-cónsul que desempeñe interinamente el cargo, los Cancilleres o Secretarios ejercerán las funciones consulares de un modo provisorio con el carácter de Vice-cónsules.

Art. 20. Los Agentes consulares de las dos Repúblicas, así como sus Cancilleres o Secretarios, gozarán de cualesquiera privilejios e inmunidades que, independientemente de los estipulados en esta convencion, se concedieren a los empleados de la misma categoría de la Nacion mas favorecida; gratuitamente, si la concesion es gratuita, o con la misma compensacion, si la concesion es condicional.

Art. 21. La presente convencion obligará a las partes contratantes por el término de diez años.

Art. 22. Esta convencion será ratificada por los Gobiernos de las Repúblicas contratantes, i los instrumentos de ratificacion serán canjeados en Quito dentro del término de doce meses, o ántes si fuere posible.

En fe de lo cual, nosotros los Plenipotenciarios de una i otra República lo hemos firmado i sellado con nuestros respectivos sellos particulares, en la ciudad de Lima, el día 1.º de agosto de 1854.

(L. S.) — M. ANCÍZAR.

(L. S.) — PEDRO MONCAYO.

ACTA DE CANJE

DE LAS RATIFICACIONES DE LA CONVENCION CONSULAR ENTRE LA NUEVA GRANADA I EL ECUADOR

Presentes los infrascritos, con el objeto de proceder al canje de las ratificaciones de la convencion consular celebrada entre la República de la Nueva Granada i la del Ecuador, concluida i firmada en la ciudad de Lima, el día 1.º de agosto de 1854, se trajeron a la vista los instrumentos de estas ratificaciones, i habiéndolos encontrado, despues de su exámen, exactamente conformes el uno con el otro, se ha verificado el canje el día de hoi en la forma de estilo.

En testimonio de lo cual, han firmado el presente certificado de canje, i lo han sellado con sus respectivos sellos de uso.

Hecho en la ciudad de Quito, el día 3 de mayo de 1858.

(L. S.) — RAMON MARÍA OREJUELA.

(L. S.) — J. P. ICAZA.

ENGLISH TRANSLATION

[Ratifications exchanged at Quito, May 3, 1858.]

THE Governments of the Republics of New Granada and Equator, convinced of the advantage of firmly defining by a Consular Convention the powers of their Consuls and Vice-Consuls, and the privileges which they are to enjoy in both countries, have fully authorized to that effect their respective Plenipotentiaries, that is to say:

The Government of New Granada, citizen Manuel Ancizar,

Chargé d'Affaires in Equator and Peru; and the Government of Equator, citizen Pedro Moncayo, Envoy Extraordinary and Minister Plenipotentiary of that Republic to those of Peru and Chile; who, after examining and exchanging their full powers, and finding them sufficient and in due form, have agreed upon the following stipulations:

ART. I. The Contracting Republics shall have the right of maintaining Consuls-General, Consuls, or Vice-Consuls in all the towns, ports, or places open to foreign commerce in their respective territories, where the residence of this class of functionaries may be allowed.

If either of the Contracting Parties should except, as either may except, any of the towns, places, or ports where the residence of such functionaries may not appear convenient, the exception must be common to all nations.

II. The Consuls-General, Consuls, or Vice-Consuls appointed by either of the Contracting Parties shall present, according to custom, their commissions or appointments to the Government of the Republic in which they are to reside, in order that, if it be considered proper, the exequatur necessary for the exercise of their functions may be issued, but this act is to confer no right upon them. The Consul shall exhibit the exequatur to the supreme authorities of the place in which he will have to exercise his functions, in order that they may direct that he be recognized in his office, and that the privileges appertaining to him in the respective Consular district may be secured to him.

The Governments of the two Republics have the right of refusing the exequatur, as well as of withdrawing it after it has been issued; but, in either case, the Government to which the Consul belongs shall be informed of the reasons for such proceedings.

III. The privileges which the Consuls or Vice-Consuls of each of the Contracting Parties shall enjoy in the territory of the other are:

1. Independence of the authorities of the territory in which they reside, in what relates exclusively to the exercise of their Consular functions;
2. Exemption from arrest for debt if they be Consuls-General;
3. Exemption from every public charge or service;
4. Exemption from all personal contributions;
5. The right of hoisting the flag, and of placing over the door of the house where they reside the arms of the Republic which they serve, with an inscription expressing the nature of their employment, so that every one who wants to go to the Consular office may easily find it.

IV. Consuls or Vice-Consuls who may be citizens of the nation

in which they reside, or even when citizens of the Republic which they serve, if they be merchants, shall not enjoy the third and fourth exemptions. And in the latter case neither shall they enjoy the second exemption.

V. Whenever the presence of the Consuls or Vice-Consuls is thought necessary at the tribunals or courts of the Republic in which they exercise their functions, they shall be summoned in writing, and they shall have a seat of preference among those present at the tribunal.

VI. The archives and papers of the Consulates shall be inviolable, so that in no case can the authorities take possession of them nor subject them to examination.

VII. The Consuls are personally subject to the laws of the Republic in which they reside, in regard to all that does not concern the exercise of their functions; their houses have no right of asylum, but are like those of ordinary private persons, subject to the legal action of the authorities.

VIII. The Consuls admitted to the exercise of their functions in each of the Contracting Republics shall possess the powers which are expressed in the following Articles.

IX. The Consuls can address themselves to the authorities of the district in which they reside, or have recourse to the Supreme Government, if necessary, through the Diplomatic Agent of their nation, if there be one, and if not, directly, in order to complain of any infraction of existing Treaties, or of abuses committed by the officials and authorities of the country, to the hurt of persons belonging to the nation which the Consul serves. They may also support their countrymen before the authorities of the country in proceedings taken for acts of abuse committed by any functionary, and they may assume in such cases that representation which the interests of their countrymen require of them.

X. Damages which ships, or the goods or merchandize which they carry, may suffer in going to the ports of either of the Contracting Republics, shall be arranged by the respective Consuls, provided there be no agreement to the contrary among the outfitters, freighters, and insurers. If any of the inhabitants of the country where the Consul resides, who are not citizens of the Republic to which the ship belongs, should be interested in such damages, the matter shall be examined and arranged by the local authorities, and the Consul can only take part therein as representing the interests of his fellow-countrymen. The local authorities shall also take cognizance of the matter when those interested in the damage belong to the same nation as the Consul, if they claim the intervention of those authorities.

XI. The Consuls shall decide disputes which have arisen at sea

between the captain and officers or other persons of the crew, provided no citizen or native of the country in which the Consul resides be concerned therein. They shall also assist in the internal police of the ships of their nation anchored in the ports; and they shall take cognizance of the complaints or disputes between captains and sailors respecting contracts of engagement or wages. The local authorities shall take cognizance even in the cases mentioned in this Article: 1st. If the disorder on board a vessel anchored in the port should disturb public tranquillity, either on shore or on board other vessels; 2nd. If persons who do not belong to the crew should be mixed up in such disorders, even if they do not disturb public tranquillity; 3rd. If they should be called upon to interfere, or if complaint should be made of serious abuse on the part of the persons charged with the internal management of the vessel.

XII. The Consuls can also settle in an amicable and extra-judicial manner any disputes upon mercantile matters which arise among their fellow-countrymen; when they consent to such a settlement, the decisions which the Consuls give as friendly arbitrators chosen by the persons interested, shall be respected by the authorities of the country in which they reside.

XIII. The Consul has to direct the operations for saving the vessels of his nation which may be wrecked or stranded on the coasts of his district. The local authorities shall only interfere for the maintenance of order, for the security of the property saved, for guarding the interests of the salvors, if they do not belong to the ship-wrecked crews, and to ensure the execution of the arrangements which have to be observed on the entry or issue of the commodities saved. In the absence, and until the arrival of the Consul or Vice-Consul, the local authorities shall take all the measures necessary for the protection of the persons and the security of the goods saved. The latter shall not be subject to any customs-dues unless they are intended for consumption within the country.

XIV. In case of the decease of a citizen of the same nation as the Consul, without executor or heir, in the territory of the Republic, the Consul has to represent the deceased in all the proceedings for the security of the property, according to the laws of the Republic in which he resides. He can add his seals to those affixed by the local authority, and he has to attend on the day, and at the hour appointed by the latter, when the time comes for the removal of them. If the Consul should not attend at the time fixed, or after a reasonable delay, the legal proceedings of the local authority shall not be suspended.

XV. In case of any of his countrymen dying intestate, the Consul may assist in drawing up the inventories, in the valuations, in the appointment of depositaries, and in other similar acts tending

towards the preservation, administration, and liquidation of the property. The Consul shall be the legal representative of any of his countrymen who may have an interest in property left, and who, being absent from the place where it occurs, may not have appointed any agent. As such representative he shall exercise all the rights of the heir himself, except that of receiving the money and effects of the inheritance, for which a special authority shall always be required. Until such an authority has been received the money and effects aforesaid must be deposited in a public chest, or in the hands of some person approved by the local authority and the Consul. At the request of the Consul the court may order the sale of such movable property left as might be subject to deterioration, and the deposit of the value thereof in a public chest; but the same course cannot be adopted in regard to the other property until after the expiration of 4 years, reckoned from the date of decease, without the appearance of an heir.

XVI. The Consuls shall have the right of requiring the assistance of the authorities for the apprehension, detention, and imprisonment of deserters from the vessels-of-war, as well as from the merchant ships of their country, producing, if necessary, the register of the vessel, and the roll of the crew, or other document to justify their demand. On the apprehension of the deserters they shall be placed at the disposal of the Consul, and they may be detained in the public prisons at his request and expense for two months; and if, at the expiration of this term, they should not be returned to the ships to which they belong, or to others of their nation, they shall be set at liberty by the local authority, and they shall not be arrested again for the same cause.

If the deserter should have committed any crime or offence in the territory of the Republic where the Consul resides, he shall not be delivered up until the sentence of the Court before which he has been brought shall have been passed and executed.

XVII. The Consuls-General may appoint Vice-Consuls, provided they are specially authorized to do so; and the Consuls or Vice-Consuls may appoint a Chancellor or Secretary when their Consulate has none, and such officials may be necessary to authorize their acts.

XVIII. The Consuls of either of the High Contracting Parties in any of the foreign ports or places where there should not be for the time any Consuls of the other Contracting Party, shall afford the same protection to the persons, vessels, and property of the latter, as to the persons, vessels, and property of their own countrymen, without requiring from the former higher dues or emoluments for official business than such as are usual with respect to their fellow-countrymen.

XIX. In case of the death of a Consul, of his absence, or of any other impediment to the discharge of his functions, and in default of a Vice-Consul who might perform his duties in the interim, the Chancellors or Secretaries shall exercise the Consular functions in a provisional manner in the character of Vice-Consuls.

XX. The Consular Agents of the two Republics, as well as their Chancellors or Secretaries, shall enjoy all such privileges and immunities, independently of those stipulated in this Convention, as are granted to the officials of the same rank belonging to the most favoured nation; gratuitously if the concession has been gratuitous, or with the same compensation if the concession has been conditional.

XXI. The present Convention shall be binding on the Contracting Parties for the term of 10 years.

XXII. This Convention shall be ratified by the Governments of the Contracting Republics, and the instruments of ratification shall be exchanged at Quito, within the space of 12 months, or sooner if possible.

In faith whereof, we, the Plenipotentiaries of the respective Republics, have signed it and sealed it with our respective private seals, in the city of Lima, on the 1st of August, 1854.

(L.S.) M. ANCIZAR.

(L.S.) PEDRO MONCAYO.

Declaration and Agreement between France
and Great Britain relative to the Coal Mines
at Heraclea,
signed at London, 25 July/Paris, 3 August 1854

THESE instruments are reproduced from *British and Foreign State Papers*, vol. XLV, pp. 1285, 1286, being also printed in *Hertslet's Commercial Treaties*, vol. XII, p. 427.

FRENCH TEXT

*DECLARATION between Great Britain and France, relative to the Coal Mines at Heraclea.—London, July 25, 1854.**

Londres, le 25 Juillet, 1854.

La bonne exploitation des houillères d'Héraclea offrant, dans les circonstances présentes, un intérêt égal pour la France et la Grande Bretagne, les Soussignés sont autorisés à déclarer que les résultats des démarches déjà faites, ou qui seraient faites à l'avenir, par les Ambassades de Sa Majesté l'Empereur des Français et de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, dans le but de faire contribuer ces mines à l'entretien du combustible nécessaire aux escadres combinées, sont ou demeureront acquis en commun aux deux Gouvernements, de telle sorte que l'un puisse toujours, si cela lui convient, entrer sur le pied d'une parfaite égalité dans les arrangements conclus par l'autre, soit avec le Gouvernement Ottoman, soit avec les propriétaires des mines.

(L.S.) CH. BAUDIN.

(L.S.) CLARENDON.

* Laid before Parliament with Papers relating to the Coal Mines at Heraclea. 1855.

*AGREEMENT between Great Britain and France, relative to the Coal Mines at Heraclea.—Paris, August 3, 1854.**

THE Undersigned, after taking cognizance of the annexed declaration, signed in London by Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, and by the Chargé d'Affaires of his Imperial Majesty the Emperor of the French, are authorized in maintaining nevertheless for the future the principle laid down in the above-named declaration, to conclude an agreement, the tenor of which will be communicated to the Embassies of France and England at Constantinople, and which will regulate, until modifications be adopted by mutual agreement, the usage of the mines at Heraclea by the two parties which they represent.

1. England undertakes either to work or to cause the coal mines at Heraclea to be worked.

2. The coals obtained shall be shared in common, in such manner that one half shall be destined for the use of the French navy, and the other half for the use of the British navy.

The coals will be furnished alternately to the two navies on conditions of perfect equality with respect to price and quality. It is understood, however, that in the event of the depôt of one squadron being exhausted, the vessels of that squadron shall be supplied, as far as practicable, from the depôt of the other without augmentation of price.

3. A French agent will be accredited to the administration of the mines. The books and accounts kept by him, as well as those under the charge of the said administration, will be reciprocally communicated to the two parties at their desire, in fulfilment of the present agreement.

4. The coals extracted being intended for the two squadrons alone, and the transports attached to them, none shall be delivered for the use of the merchant service of either country, without the joint permission of the English superintendent and of the French agent. This clause is not intended to prejudice any supply of coals which Her Majesty's Embassy and that of the Emperor of the French may think fit to accord to the Turkish Government.

Signed in duplicate, in Paris, 3rd August, 1854.

(L.S.) COWLEY.

(L.S.) DROUYN DE LHUYS.

* Laid before Parliament with Papers relating to the Coal Mines at Heraclea. 1855.

Declarations between Baden and Sardinia
for the Abolition of the Droit d'Aubaine etc.,
signed at Turin, 10 July/Carlsruhe, 5 August 1854

THESE instruments are reproduced from Solar de la Marguerite, *Traité Publics de la Royale Maison de Savoie*, vol. VIII, p. 175.

FRENCH TEXT

DÉCLARATION SARDE.

Le Gouvernement de Sa Majesté le Roi de Sardaigne et celui de Son Altesse Royale le Régent de Bade ayant déterminé d'un commun accord de favoriser la translation des biens échus à leurs sujets respectifs dans leurs dominations, et d'abolir à cet effet entr'eux les droits connus sous le nom de droit d'aubaine, droit de détraction, d'impôt, d'émigration et autres semblables, sont convenus des articles suivants :

I.

Les sujets de Sa Majesté le Roi de Sardaigne dans le Grand Duché de Bade et les sujets de Son Altesse Royale le Régent de Bade dans les États Sardes jouiront du droit de recueillir et de transmettre les successions *ab intestato* et testamentaires, ainsi que les donations entre vifs, à l'égal des nationaux, et sans être assujettis, à raison de leur qualité d'étrangers, à aucun prélèvement ou impôt qui ne serait pas dû par les nationaux.

II.

Lors de l'exportation des biens recueillis à quelque titre que ce soit par des Sardes dans le Grand Duché de Bade ou par des Badois dans les États Sardes, il ne sera prélevé sur ces biens aucun droit de détraction, ou d'émigration, ni aucun droit quelconque, auquel les nationaux ne seraient pas assujettis.

III.

L'abolition mentionnée dans l'article précédent comprend non seulement les droits de détraction qui devraient être perçus par le trésor public, mais encore les droits de détraction dont la perception serait du ressort d'individus, de communes ou de fondations publiques.

IV.

Les stipulations précitées auront leur effet à dater du jour où les ratifications de cette Déclaration seront échangées. Afin néanmoins de faire jouir au plutôt les sujets des deux Parties contractantes des bénéfices qu'elle doit leur procurer, il a été arrêté que tous les biens non encore exportés, qui leur sont échus actuellement dans les possessions respectives d'un des deux Gouvernements, jouiront de la franchise des droits convenue pour les acquisitions futures.

En foi de quoi la présente Déclaration a été signée par le Mi-

nistre des affaires étrangères de Sa Majesté le Roi de Sardaigne pour être échangée contre un acte conforme expédié de la part du Gouvernement de Son Altesse Royale le Régent de Bade.

Fait à Turin le 10 juillet 1854

(L. S.) DABORMIDA.

DÉCLARATION BADOISE.

Le Gouvernement de Son Altesse Royale le Régent de Bade, et celui de Sa Majesté le Roi de Sardaigne ayant déterminé d'un commun accord de favoriser la translation des biens échus à leurs sujets respectifs dans leurs dominations, et d'abolir à cet effet entre eux les droits connus sous le nom de droit d'aubaine, droit de détraction, d'impôt, d'émigration et autres semblables, sont convenus des articles suivants :

I.

Les sujets de Sa Majesté le Roi de Sardaigne dans le Grand-Duché de Bade et les sujets de son Altesse Royale le Régent de Bade dans les États Sardes jouiront du droit de recueillir et de transmettre les successions *ab intestato* et testamentaires ainsi que les donations entre vifs à l'égal des nationaux, et sans être assujettis, à raison de leurs qualité d'étrangers, à aucun prélèvement ou impôt qui ne serait pas dû par les nationaux.

II.

Lors de l'exportation des biens recueillis à quelque titre que ce soit par des Sardes dans le Grand-Duché de Bade ou par des Badois dans les États Sardes il ne sera prélevé sur ces biens aucun droit de détraction, ou d'émigration, ni aucun droit quelconque, auquel les nationaux ne seraient pas assujettis.

III.

L'abolition mentionnée dans l'article précédent comprend non seulement les droits de détraction qui devraient être perçus par le trésor public, mais encore les droits de détraction dont la perception serait du ressort d'individus, de communes ou de fondations publiques.

IV.

Les stipulations précitées auront leur effet à dater du jour où les ratifications de cette Déclaration seront échangées. Afin néanmoins de faire jouir au plutôt les sujets des deux Parties contractantes des bénéfices qu'elle doit leur procurer, il a été arrêté que tous les biens non encore exportés qui leur sont échus actuellement dans les possessions respectives d'un des deux Gouvernements jouiront de la franchise des droits convenue pour les acquisitions futures.

En foi de quoi la présente Déclaration a été signée par le Ministre d'État de la maison Grand-Ducale et des affaires étrangères de Son Altesse Royale le Régent de Bade pour être échangée contre un acte conforme expédié de la part du Gouvernement de Sa Majesté le Roi de Sardaigne.

Fait à Carlsruhe, le 5 août 1854.

(L. S.) Baron RÜDT.

(Ratifiée par le Régent de Bade le 22 août, et par S. M. le Roi de Sardaigne le 9 septembre 1854. — Les ratifications ont été échangées à Berlin le 20 novembre de la même année)

Exchange of Notes between Austria and Great
Britain respecting the Conditions to be
imposed for the Re-establishment of
Peace with Russia,
signed at Vienna, 8 August 1854

THESE instruments, which are printed also by Martens, *Nouveau Recueil Général*, vol. XV, p. 544, and De Clercq, *Recueil des Traités de la France*, vol. VI, p. 456, are taken here from *British and Foreign State Papers*, vol. XLIV, p. 88.

FRENCH TEXT

No. 1.—The Earl of Westmorland to Count Buol.

Vienne, le 8 Août, 1854.

LE Soussigné, &c., a l'honneur d'annoncer au Comte Buol, &c., qu'il a reçu de son Gouvernement l'ordre de constater dans la présente note, qu'il résulte des pourparlers confidentiels échangés entre les Cours de Vienne, de Paris, et de Londres, conformément au passage du Protocole du 9 Avril dernier par lequel l'Autriche, la France, et la Grande Bretagne, se sont, en même temps que la Prusse, engagées à rechercher les moyens de rattacher l'existence de l'Empire Ottoman à l'équilibre général de l'Europe, que les 3 Puissances pensent également que les rapports de la Sublime Porte avec la Cour Impériale de Russie ne pourraient pas être rétablies sur des bases solides et durables :

1. Si le protectorat exercé jusqu'à présent par la Cour Impériale de Russie, sur les Principautés de Valachie, de Moldavie, et de Servie, ne cesse pas à l'avenir, et si les privilèges accordés par les Sultans à ces provinces dépendantes de leur Empire ne sont pas placés sous la garantie collective des Puissances, en vertu d'un arrangement à conclure avec la Sublime Porte et dont les dispositions régleraient en même temps toutes les questions de détail.

2. Si la navigation du Danube à ses embouchures n'est point délivrée de toute entrave, et soumise à l'application des principes consacrés par les Actes du Congrès de Vienne.

3. Si le Traité du 13 Juillet, 1841, n'est pas revisé de concert par toutes les Hautes Parties Contractantes dans un intérêt d'équilibre Européen.

4. Si la Russie ne cesse de revendiquer le droit d'exercer un protectorat officiel sur les sujets de la Sublime Porte, à quelque rit qu'ils appartiennent, et si la France, l'Autriche, la Grande Bretagne, la Prusse, et la Russie, ne se prêtent leur mutuel concours pour

obtenir de l'initiative du Gouvernement Ottoman la consécration et l'observance des privilèges religieux des diverses communautés Chrétiennes, et mettre à profit, dans l'intérêt commun de leurs coreligionnaires, les généreuses intentions manifestées par Sa Majesté le Sultan, sans qu'il en résulte aucune atteinte pour sa dignité et l'indépendance de sa Couronne.

Le Soussigné en outre est autorisé à déclarer que le Gouvernement de Sa Majesté la Reine de la Grande Bretagne, tout en se réservant de faire connaître en temps utile les conditions particulières qu'il pourrait mettre à la conclusion de la paix avec la Russie, et d'apporter à l'ensemble des garanties ci-dessus spécifiées telle modification que la continuation des hostilités rendrait nécessaire, est décidé à ne discuter et à ne prendre en considération aucune proposition du Cabinet de St. Pétersbourg qui n'impliquerait point de sa part une adhésion pleine et entière aux principes sur lesquels il est déjà tombé d'accord avec les Gouvernements de Sa Majesté l'Empereur d'Autriche et de Sa Majesté l'Empereur des Français.

Le Soussigné, &c.

Le Comte Buol.

WESTMORLAND.

No. 2.—Count Buol to the Earl of Westmorland.

Vienne, le 8 Août, 1854.

LE Soussigné, Ministre des Affaires Etrangères, &c., de Sa Majesté Impériale et Royale Apostolique, s'empresse d'accuser réception à sa Seigneurie le Comte de Westmorland, &c., de la note qu'elle lui a fait l'honneur de lui adresser en date du 8 de ce mois, et de constater à son tour qu'il résulte des pourparlers confidentiels échangés entre les Cours de Vienne, de Paris, et de Londres, conformément au passage du Protocole du 9 Avril dernier par lequel l'Autriche, la France, et la Grande Bretagne, se sont, en même temps que la Prusse, engagées à rechercher les moyens de rattacher l'existence de l'Empire Ottoman à l'équilibre général de l'Europe, que les trois Puissances pensent également que les rapports de la Sublime Porte avec la Cour Impériale de Russe ne pourraient pas être rétablies sur des bases solides et durables :

1. Si le protectorat exercé jusqu'à présent par la Cour Impériale de Russie, sur les Principautés de Valachie, de Moldavie, et de Serbie, ne cesse pas à l'avenir, et si les privilèges accordés par les Sultans à ces provinces dépendantes de leur Empire ne sont pas placés sous la garantie collective des Puissances, en vertu d'un arrangement à conclure avec la Sublime Porte et dont les dispositions régleraient en même temps toutes les questions de détail.

2. Si la navigation du Danube à ses embouchures n'est point délivrée de toute entrave, et soumise à l'application des principes consacrés par les Actes du Congrès de Vienne.

3. Si le Traité du 13 Juillet, 1841, n'est pas révisé de concert par toutes les Hautes Parties Contractantes dans un intérêt d'équilibre Européen.

4. Si la Russie ne cesse de revendiquer le droit d'exercer un protectorat officiel sur les sujets de la Sublime Porte, à quelque rit qu'ils appartiennent, et si l'Autriche, la Grande Bretagne, la France, la Prusse, et la Russie, ne se prêtent leur mutuel concours pour obtenir de l'initiative du Gouvernement Ottoman la consécration et l'observance des privilèges religieux des diverses communautés Chrétiennes, et mettre à profit, dans l'intérêt commun de leurs coreligionnaires, les généreuses intentions manifestées par Sa Majesté le Sultan, sans qu'il en résulte aucune atteinte pour la dignité et l'indépendance de sa Couronne.

Le Soussigné est en outre autorisé à déclarer que son Gouvernement prend acte de la détermination de l'Angleterre et de la France de ne pas entrer avec la Cour Impériale de Russie dans aucun arrangement qui n'impliquerait point de la part de la dite Cour une adhésion pleine et entière aux quatre principes ci-dessus énumérés, et qu'il accepte pour lui-même l'engagement de ne traiter que sur ces bases, en se réservant toutefois la libre appréciation des conditions qu'il mettrait au rétablissement de la paix s'il venait lui-même à être forcé de prendre part à la guerre.

Le Comte de Malmesbury.

BUOL.

Convention between Great Britain and
Sardinia for the Reciprocal Opening of the
Coasting Trade,
signed at Turin, 9 August 1854

THIS Convention is reproduced from *British and Foreign State Papers*, vol. XLIV, p. 76, along with the Declaration respecting its application to the Ionian Islands made on the exchange of ratifications. It is printed also in *Parliamentary Papers, 1854-5*, vol. LV, p. 9; *Hertslet's Commercial Treaties*, vol. IX, p. 991; and by Solar de la Marguerite, *Traité Publics de la Royale Maison de Savoie*, vol. VIII, p. 179. It was terminated as of 29 October 1863 by the Treaty between Great Britain and Italy of 6 August 1863.

ENGLISH/ITALIAN TEXTS

[Ratifications exchanged at Turin, March 22, 1855.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Sardinia, being desirous of extending further the reciprocal privileges conferred on the ships of the 2 countries respectively, by the Treaty of Commerce and Navigation between Her Britannic Majesty and His Majesty the King of Sardinia, which was signed at London on the 27th February, 1851, have appointed as their

SUA Maestà di Sardegna, o Sua Maestà la Regina del Regno Unito della Gran Brettagna e d'Irlanda, desiderando estendere i reciproci favori, accordati rispettivamente alle navi dei due paesi col Trattato di Commercio e di Navigazione conchiuso a Londra il 27 febbrajo, 1851, tra Sua Maestà il Re di Sardegna e Sua Maestà Britannica, hanno nominato loro Plenipotenziarii per conchiudere una Convenzione a quest' oggetto, cioè:

Plenipotentiaries to conclude a Convention for that purpose, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, James Hudson, Esquire, a Companion of the Most Honourable Order of the Bath, Her said Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Sardinia ;

And His Majesty the King of Sardinia, the Chevalier Joseph Dabormida, a Senator of the Kingdom, Knight Grand Cordon of His Religious and Military Order of Saint Maurice and Saint Lazarus, a Member of several foreign Orders, a Major-General of Artillery, and His Minister Secretary of State for Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed that for and in lieu of Article IX of the above-mentioned Treaty the following Article shall be substituted :

ART. I. The High Contracting Parties agree that in regard to the coasting trade, the ships and the subjects of each Contracting Party shall enjoy, in the dominions or territories of the other, the same privileges, and shall be treated in all respects in the same manner, as national vessels and as native subjects.

II. The present Convention shall be considered as additional to the above-mentioned Treaty of

Sua Maestà il Re di Sardegna, il Cavaliere Giuseppe Dabormida, Senatore del Regno Cavaliere Gran Cordone del Suo Ordine Religioso e Militare de' Santi Maurizio e Lazzaro, Membro di varii Ordini stranieri, Maggiore Generale d'Artiglieria, e Suo Ministro Segretario di Stato per gli Affari esteri ;

E Sua Maestà la Regina del Regno Unito della Gran Bretagna e d'Irlanda, il Signor Giacomo Hudson, Membro dell'Onorevolissimo Ordine del Bagno della detta Maestà, Suo Inviato Straordinario e Ministro Plenipotenziario presso Sua Maestà il Re di Sardegna ;

I quali, dopo aversi scambievolmente comunicato i rispettivi loro plenipoteri, trovati in buona e debita forma, convennero, che in luogo e vece del Articolo IX di detto Trattato, il seguente Articolo sarebbesi sostituito :

ART. I. Le Alte Parti Contraenti convengono che, rispetto al commercio di costa, le navi ed i sudditi di ciascuna Parte Contraente godranno, nei dominii o territorii dell' altra, gli stessi favori, e saranno trattati, per ogni riguardo, nel modo medesimo, che le navi ed i sudditi nazionali.

II. La presente Convenzione sarà considerata come addizionale al detto Trattato del 27 Feb-

the 27th of February, 1851, and shall have the same duration as that Treaty.

It shall be ratified, and the ratifications shall be exchanged at Turin, as soon as may be within the space of 6 months from the date of its signature.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Turin, the 9th day of August, in the year of our Lord 1854.

(L.S.) JAMES HUDSON.

(L.S.) DABORMIDA.

brajo, 1851, e ne avrà la stessa durata.

Sarà essa ratificata, e le ratifiche saranno scambiate in Torino, il più presto possibile nello spazio di mesi sei dalla data della firma.

In fede di che i rispettivi Plenipotenziarii hanno firmato la medesima, e v' hanno apposto i sigilli delle loro armi.

Fatto a Torino, il dì 9 d' Agosto, l'anno di nostro Signore 1854.

(L.S.) DABORMIDA.

(L.S.) JAMES HUDSON.

DECLARATION made on the Exchange of Ratifications of the Convention between Great Britain and Sardinia, for the Reciprocal Opening of the Coasting Trade of August 9, 1854.—Signed at Turin, March 22, 1855.

In proceeding to the exchange of the ratifications of the Additional Convention concluded at Turin on the 9th of August, 1854, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Sardinia, for the reciprocal opening of the coasting trade, the Undersigned, Plenipotentiaries of Her Britannic Majesty and of His Majesty the King of Sardinia, have received the commands of their respective Sovereigns to declare as follows:

The Ionian Islands being un-

NEL procedere allo scambio delle ratifiche della Convenzione Addizionale per la reciproca concessione del cabotaggio, conchiusa a Torino il 9 Agosto, 1854, tra Sua Maestà il Re di Sardegna e Sua Maestà la Regina del Regno Unito della Gran Brettagna e d'Irlanda, i Sottoscritti, Plenipotenziarii, di Sua Maestà il Re di Sardegna e di Sua Maestà Britannica, ebbero ordine dai loro rispettivi Sovrani di dichiarare quanto segue:

Le Isole Ionie essendo sotto la

der the protection of Her Britannic Majesty, the subjects and vessels of those islands shall enjoy in the dominions of His Sardinian Majesty all the advantages which, by the above-mentioned Convention, are granted to the subjects and vessels of Great Britain, as soon as the Government of the Ionian Islands shall have agreed to grant the same reciprocal advantages in those islands to the subjects and vessels of His Sardinian Majesty; it being understood that, in order to prevent abuses, every Ionian vessel claiming the benefits of that Convention shall be furnished with a Patent, signed by the Lord High Commissioner, or by his Representative.

The ratifications of the Additional Convention of the 9th of August, 1854, are exchanged subject to the above Declaration.

Done at Turin, the 22nd day of March, 1855.

(L.S.) JAMES HUDSON.

(L.S.) C. CAVOUR.

protezione di Sua Maestà Britannica, i sudditi e le navi di queste isole godranno negli Stati di Sua Maestà Sarda tutti i vantaggi, che sono accordati dalla predetta Convenzione ai sudditi ed alle navi della Gran Bretagna, non sì tosto che il Governo delle Isole Ionie avrà convenuto d'accordare in queste isole i medesimi reciproci vantaggi ai sudditi ed alle navi di Sua Maestà Sarda; ben inteso però, che, per prevenire gli abusi, ogni nave Ionia la quale reclamerà i benefizii di questa Convenzione dovrà esser munita d'una Patente firmata dal Lord Alto Commissario, o dal suo Rappresentante.

La ratifiche della Convenzione Addizionale del 9 Agosto, 1854, sono scambiate sotto riserva della sovraespressa Dichiarazione.

Fatta a Torino, il dì 22 Marzo, 1855.

(L.S.) C. CAVOUR.

(L.S.) JAMES HUDSON.

Copyright Convention between Belgium
and Great Britain,
signed at London, 12 August 1854

THE English and French texts of this Treaty, which terminated upon its denunciation by Great Britain on 17 January 1888, are taken here from *British and Foreign State Papers*, vol. XLIV, p. 30. The Convention is printed also in *Parliamentary Papers*, 1854-5, vol. LV, p. 9; *Hertslet's Commercial Treaties*, vol. IX, p. 936; and by Garcia de la Vega, *Traité etc. concernant le Royaume de Belgique*, vol. III, p. 6.

ENGLISH /
FRENCH TEXTS

[Ratifications exchanged at London, January 24, 1855.]

HER Majesty the Queen of the United Kingdom of Great Britain	SA Majesté la Reine du Ro- yaume Uni de la Grande Bre-
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and Ireland, and His Majesty the King of the Belgians, being equally desirous of extending in each country the enjoyment of copyright to works of literature and of the fine arts which may be first published in the other; and Her Britannic Majesty having consented to extend to books, prints, and musical works published in Belgium, that reduction of the duties now levied thereon on importation into the United Kingdom, which she is by the law empowered to grant, under certain circumstances, in favour of such works published in foreign countries; Her Britannic Majesty and His Majesty the King of the Belgians have deemed it expedient to conclude a special Convention for that purpose, and have therefore named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, Knight Grand Cross of the Most Honourable Order of the Bath, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs; and the Right Honourable Edward Cardwell, a Member of Her Britannic Majesty's Most Honourable Privy Council, a Member of Parliament, and President of the Committee of Privy Council for

tagne et d'Irlande, et Sa Majesté le Roi des Belges, également animés du désir d'étendre dans les 2 pays la jouissance des droits d'auteur pour les ouvrages de littérature et de beaux arts, qui pourront être publiés pour la première fois dans l'un des deux; et Sa Majesté Britannique ayant consenti à étendre aux livres, gravures, et œuvres musicales publiés en Belgique, la réduction que la loi l'autorise à accorder, sous certaines conditions, dans le taux des droits actuellement perçus à l'importation dans le Royaume Uni de ces mêmes articles publiés en pays étrangers; Sa Majesté Britannique et Sa Majesté le Roi des Belges ont jugé à propos de conclure dans ce but une Convention spéciale, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable George Guillaume Frédéric, Comte de Clarendon, Baron Hyde de Hindon, Paire du Royaume Uni, Conseiller de Sa Majesté Britannique en son Conseil Privé, Chevalier du Très Noble Ordre de la Jarretière, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères; et le Très Honorable Edouard Cardwell, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Membre du Parlement, et Président du Comité du Conseil Privé pour les Affaires de Com-

Affairs of Trade and Foreign Plantations ;

And His Majesty the King of the Belgians, the Sieur Sylvain Van de Weyer, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, decorated with the Iron Cross, Commander of the Order of Leopold, Grand Cross of the Order of Charles III of Spain, of the Order of the Ernestine Branch of Saxony, of the Tower and Sword, of St. Maurice and St. Lazarus, Commander of the Legion of Honour, &c. ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :

ART. I. From and after the date on which, according to the provisions of Article XV, the present Convention shall come into operation, the authors of works of literature or of art, to whom the laws of either of the 2 countries do now or may hereafter give the right of property or copyright, shall be entitled to exercise that right in the territories of the other of such countries for the same term, and to the same extent, as the authors of works of the same nature, if published in such other country, would therein be entitled to exercise such right ; so that the republication or piracy in either country, of any work of literature or of art, published in the other, shall be dealt with in the same manner as the republication or piracy of a work of the same

merce et des Colonies ;

Et Sa Majesté le Roi des Belges, le Sieur Sylvain Van de Weyer, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, décoré de la Croix de Fer, Commandeur de l'Ordre de Léopold, Grand-Croix de l'Ordre de Charles III d'Espagne, de l'Ordre de la Branche Ernestine de Saxe, de la Tour et de l'Épée, de St. Maurice et St. Lazare, Commandeur de la Légion d'Honneur, &c. ;

Lesquels, après s'être communiqué leurs pleins-pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté les Articles suivants :

ART. I. A partir de l'époque à laquelle, conformément aux stipulations de l'Article XV ci-après, la présente Convention deviendra exécutoire, les auteurs d'œuvres de littérature ou d'art, auxquelles les lois de l'un des 2 pays garantissent actuellement, ou garantiront à l'avenir, le droit de propriété ou d'auteur, auront la faculté d'exercer le dit droit sur les territoires de l'autre pays pendant le même espace de temps, et dans les mêmes limites, que s'exercerait dans cet autre pays le droit attribué aux auteurs d'ouvrages de même nature qui y seraient publiés ; de telle sorte que la reproduction ou la contrefaçon dans l'un des 2 Etats, de toute œuvre de littérature ou d'art publiée dans l'autre, sera traitée de la même manière que le serait la reproduction ou la

nature first published in such other country; and so that such authors in the one country shall have the same remedies before the courts of justice in the other country, and shall enjoy in that other country the same protection against piracy and unauthorized republication, as the law now does or may hereafter grant to authors in that country.

The terms "works of literature or of art," employed at the beginning of this Article, shall be understood to comprise publications of books, of dramatic works, of musical compositions, of drawing, of painting, of sculpture, of engraving, of lithography, and of any other works whatsoever of literature and of the fine arts.

The lawful representatives or assigns of authors, translators, composers, painters, sculptors, or engravers, shall, in all respects, enjoy the same rights which by the present Convention are granted to the authors, translators, composers, painters, sculptors, or engravers themselves.

II. The protection granted to original works is extended to translations; it being, however, clearly understood that the intention of the present Article is simply to protect a translator in respect of his own translation, and that it is not intended to confer upon the first translator of any work the exclusive right of translating that work, except in the case and to the extent

contrefaçon d'ouvrages de même nature originairement publiés dans cet autre état; et que les auteurs de l'un des 2 pays auront, devant les tribunaux de l'autre, la même action, et jouiront des mêmes garanties contre la contrefaçon ou la reproduction non autorisée, que celle que la loi accorde, ou pourrait accorder à l'avenir, aux auteurs de ce dernier pays.

Il est entendu que ces mots, "œuvres de littérature ou d'art," employés au commencement de cet Article, comprennent les publications de livres, d'ouvrages dramatiques, de composition musicale, de dessin, de peinture, de sculpture, de gravure, de lithographie, et de toute autre production quelconque de littérature et de beaux arts.

Les mandataires ou ayant-cause des auteurs, traducteurs, compositeurs, peintres, sculpteurs, ou graveurs, jouiront, à tous égards, des mêmes droits que ceux que la présente Convention accorde aux auteurs, traducteurs, compositeurs, peintres, sculpteurs, ou graveurs eux-mêmes.

II. La protection accordée aux ouvrages originaux est étendue aux traductions. Il est bien entendu, toutefois, que l'objet du présent Article est simplement de protéger le traducteur par rapport à sa propre traduction, et non pas de conférer le droit exclusif de traduction au premier traducteur d'un ouvrage quelconque, hormis dans le cas et les limites prévus par l'Article

provided for in the following Article.

III. The author of any work published in either of the 2 countries, who may choose to reserve the right of translating it, shall, until the expiration of 5 years from the date of the first publication of the translation thereof authorized by him, be, in the following cases, entitled to protection from the publication in the other country of any translation of such work not so authorized by him;

§ 1. If the original work shall have been registered and deposited in the one country within 3 months after its first publication in the other.

§ 2. If the author has notified on the title-page of his work his intention to reserve the right of translating it.

§ 3. Provided always, that at least a part of the authorized translation shall have appeared within a year after the registration and deposit of the original, and that the whole shall have been published within 3 years after the date of such deposit.

§ 4. And provided that the publication of the translation shall take place within one of the 2 countries, and that it shall be registered and deposited according to the provisions of Article VIII.

With regard to works which are published in parts, it will be sufficient if the declaration of the author that he reserves the right of translation, shall appear

suisant.

III. L'auteur de tout ouvrage publié dans l'un des 2 pays, qui aura entendu réserver son droit de traduction, jouira, pendant 5 années à partir du jour de la première publication de la traduction de son ouvrage autorisée par lui, du privilège de protection contre la publication dans l'autre pays de toute traduction du même ouvrage non autorisée par lui, et ce sous les conditions suivantes :

§ 1. L'ouvrage original sera enregistré et déposé dans l'un des 2 pays dans un délai de 3 mois, à partir du jour de la première publication dans l'autre pays.

§ 2. Il faudra que l'auteur ait indiqué en tête de son ouvrage l'intention de se réserver le droit de traduction.

§ 3. La dite traduction autorisée devra avoir paru, au moins en partie, dans le délai d'un an à compter de la date de l'enregistrement et du dépôt de l'original, et en totalité dans le délai de 3 ans à partir du dit dépôt.

§ 4. La traduction devra être publiée dans l'un des 2 pays, et être enregistrée et déposée conformément aux dispositions de l'Article VIII.

Pour les ouvrages publiés par livraisons, il suffira que la déclaration de l'auteur, portant qu'il entend se réserver le droit de traduction, soit exprimée dans

in the first part. But with reference to the period of 5 years limited by this Article for the exercise of the exclusive right of translation, each part shall be treated as a separate work, and each part shall be registered and deposited in the one country within 3 months after its first publication in the other.

IV. The stipulations of the preceding Articles shall also be applicable to the representation of dramatic works, and to the performance of musical compositions, in so far as the laws of each of the 2 countries are or shall be applicable in this respect to dramatic and musical works first publicly represented or performed therein.

In order, however, to entitle the author to legal protection in regard to the translation of a dramatic work, such translation must appear within 3 months after the registration and deposit of the original.

It is understood that the protection stipulated by the present Article is not intended to prohibit fair imitations, or adaptations of dramatic works to the stage in England and Belgium respectively, but is only meant to prevent piratical translations.

The question whether a work is an imitation or a piracy, shall in all cases be decided by the courts of justice of the respec-

la première livraison. Toutefois, en ce qui concerne le terme de 5 ans assigné par cet Article pour l'exercice du droit privilégié de traduction, chaque livraison sera considérée comme un ouvrage séparé, et chacune d'elles sera enregistrée et déposée dans l'un des 2 pays dans les 3 mois à partir de sa première publication dans l'autre.

IV. Les stipulations des Articles précédents s'appliqueront également à la représentation des ouvrages dramatiques, et à l'exécution des compositions musicales, en tant que les lois de chacun des 2 pays sont ou seront applicables, sous ce rapport, aux ouvrages dramatiques et de musique représentés ou exécutés publiquement dans ces pays pour la première fois.

Toutefois, pour avoir droit à la production légale, en ce qui concerne la traduction d'un ouvrage dramatique, l'auteur devra faire paraître sa traduction 3 mois après l'enregistrement et le dépôt de l'ouvrage original.

Il est bien entendu que la protection stipulée par le présent Article n'a point pour objet de prohiber les imitations faites de bonne foi, ou les appropriations des ouvrages dramatiques aux scènes respectives d'Angleterre et de Belgique, mais seulement d'empêcher les traductions en contrefaçon.

La question d'imitation ou de contrefaçon sera déterminée dans tous les cas par les tribunaux des pays respectifs, d'après la

tive countries, according to the laws in force in each.

V. Notwithstanding the stipulations of Articles I and II of the present Convention, articles extracted from newspapers or periodicals published in either of the 2 countries, may be republished or translated in the newspapers or periodicals of the other country, provided the source from whence such articles are taken be acknowledged.

Nevertheless, such permission shall not be construed to authorize the republication in one of the 2 countries, of articles from newspapers or periodicals published in the other country, the authors of which shall have notified in a conspicuous manner in the journal or periodical in which such articles have appeared, that they forbid the republication thereof.

This last stipulation shall not, however, apply to articles of political discussion.

VI. The introduction, circulation, sale, and exhibition, in either of the 2 countries, of unauthorized republication of works or articles defined in the preceding Articles I, II, III, IV, are prohibited, whether such unauthorized republications originate in either of the 2 countries, or whether they originate in any foreign country.

VII. In the event of an infraction of the provisions of the foregoing Articles, the pirated works or articles shall be seized and destroyed; and the persons who

législation en vigueur dans chacun des 2 Etats.

V. Nonobstant les stipulations des Articles I et II de la présente Convention, les articles extraits de journaux ou de recueils périodiques publiés dans l'un des 2 pays, pourront être reproduits ou traduits dans les journaux ou recueils périodiques de l'autre pays, pourvu qu'on y indique la source à laquelle on les aura puisés.

Toutefois, cette permission ne saurait être comprise comme s'étendant à la reproduction dans l'un des 2 pays, des articles de journaux ou de recueils périodiques publiés dans l'autre, dont les auteurs auraient déclaré d'une manière évidente dans le journal ou le recueil même où ils les auront fait paraître, qu'ils en interdisent la reproduction.

Cette dernière disposition ne sera pas applicable aux articles de discussion politique.

VI. L'introduction, la circulation, la vente, et l'exposition, dans chacun des 2 Etats, d'ouvrages ou objets de reproduction non autorisée, définis par les Articles I, II, III, IV, ci-dessus, sont prohibées, soit que les dites reproductions non autorisées proviennent l'un des 2 pays, soit qu'elles proviennent d'un pays étranger quelconque.

VII. En cas de contravention aux dispositions des Articles précédents, les ouvrages ou objets contrefaits seront saisis et détruits, et les individus qui se

may have committed such infraction shall be liable in each country to the penalties and actions which are or may be prescribed by the laws of that country for such offences, committed in respect of a work or production of home origin.

VIII. Neither authors nor translators, nor their lawful representatives or assigns, shall be entitled in either country to the protection stipulated by the preceding Articles, nor shall copyright be claimable in either country, unless the work shall have been registered in the manner following, that is to say:

1. If the work be one that has first appeared in Belgium, it must be registered at the Hall of the Company of Stationers in London.

2. If the work be one that has first appeared in the dominions of Her Britannic Majesty, it must be registered at the office of the Minister of the Interior at Brussels.

No person shall be entitled to such protection as aforesaid, unless he shall have duly complied with the laws and regulations of the respective countries in regard to the work in respect of which such protection may be claimed. With regard to books, maps, and prints, and also with regard to dramatic works and musical publications, unless such dramatic works and musical publications shall be in manuscript only, no person shall be entitled to such protection, unless he shall

seront rendus coupables de ces contraventions seront passibles, dans chaque pays, de la peine et des poursuites qui sont ou seraient prescrites par les lois de ce pays contre le même délit commis à l'égard de tout ouvrage ou production d'origine nationale.

VIII. Les auteurs, traducteurs, de même que leurs représentants ou ayant-cause légalement désignés, n'auront droit, dans l'un et l'autre pays, à la protection stipulée par les Articles précédents et le droit d'auteur ne pourra être réclaté dans l'un des 2 pays, qu'après que l'ouvrage aura été enregistré de la manière suivante, savoir :

1. Si l'ouvrage a paru pour la première fois en Belgique, il faudra qu'il ait été enregistré à l'Hôtel de la Corporation des Libraires (*Stationers' Hall*) à Londres.

2. Si l'ouvrage a paru pour la première fois dans les Etats de Sa Majesté Britannique, il faudra qu'il ait été enregistré au Ministère de l'Intérieur à Bruxelles.

La susdite protection ne sera acquise qu'à celui qui aura fidèlement observé les lois et règlements en vigueur dans les pays respectifs par rapport à l'ouvrage pour lequel cette protection serait réclamée. Pour les livres, cartes, et estampes, comme aussi pour les œuvres dramatiques et les publications musicales, à moins que ces œuvres dramatiques et publications musicales n'existent qu'en manuscrit, la susdite protection ne sera acquise qu'autant que l'on aura remis gratuitement,

have delivered gratuitously, at one or other of the places mentioned above, as the case may be, one copy of the best edition, or in the best state, in order to its being deposited at the place appointed for that purpose in each of the 2 countries; that is to say, in Great Britain, at the British Museum at London; and in Belgium, at the Royal Library at Brussels.

In every case, the formality of deposit and registration must be fulfilled within 3 months after the first publication of the work in the other country. With regard to works published in parts, each part shall be treated as a separate work.

A certified copy of the entry in the register book of the Company of Stationers in London shall confer, within the British dominions, the exclusive right of republication, until a better right shall have been established by any other party before a court of justice.

The certificate given under the laws of Belgium, proving the registration of any work in that country, shall be valid for the same purpose throughout the territories of the Kingdom of Belgium.

A certificate or certified copy of the registration of any work so registered in either country shall, if required, be delivered at the time of registration; and such certificate shall state the exact date at which the registration was made.

dans l'un ou l'autre des dépôts mentionnés ci-dessus, suivant les cas respectifs, un exemplaire de la meilleure édition, ou dans le meilleur état, destiné à être déposé au lieu indiqué à cet effet dans chacun des 2 pays; c'est-à-dire, dans la Grande Bretagne au Musée Britannique à Londres, et en Belgique à la Bibliothèque Royale de Bruxelles.

Dans tous les cas, les formalités du dépôt et de l'enregistrement devront être remplies sous les 3 mois qui suivront la première publication de l'ouvrage dans l'autre pays. A l'égard des ouvrages publiés par livraisons, chaque livraison sera considérée comme un ouvrage séparé.

Une copie authentique de l'inscription sur le registre de la Corporation des Libraires de Londres confèrera dans les Etats Britanniques le droit exclusif de reproduction, jusqu'à ce que quelqu'autre personne ait fait admettre devant un tribunal un droit mieux établi.

Le certificat délivré conformément aux lois Belges, et constatant l'enregistrement d'un ouvrage dans ce pays, aura la même force et valeur dans toute l'étendue du territoire du Royaume de Belgique.

Au moment de l'enregistrement d'un ouvrage dans l'un des 2 pays, il en sera délivré, si on le demande, un certificat ou copie certifiée, et ce certificat relatera la date précise à laquelle l'enregistrement aura eu lieu.

The charge for the registration of a single work, under the stipulations of this Article, shall not exceed 1s. in England, nor 1 franc and 25 centimes in Belgium; and the further charge for a certificate of such registration shall not exceed the sum of 5s. in England, nor 6 francs and 25 centimes in Belgium.

The provisions of this Article shall not extend to articles which may appear in newspapers or periodicals; which shall be protected from republication, or translation simply by a notice from the author, as prescribed by Article V. But if any article or work which has originally appeared in a newspaper or periodical, shall afterwards be published in a separate form, it shall then become subject to the stipulations of the present Article.

IX. With regard to any work of literature or of art, other than books, prints, maps, and musical publications, in respect to which protection may be claimable under Article I of the present Convention, it is agreed, that any other mode of registration than that prescribed in the preceding Article, which is or may be applicable by law in one of the 2 countries to any work or article first published in such country, for the purpose of affording protection to copyright in such work or article, shall be extended on equal terms to any similar work or article first published in the other country.

Le coût d'enregistrement d'un seul ouvrage, conformément aux stipulations du présent Article, ne pourra pas dépasser la somme de 1s. en Angleterre, et de 1 franc 25 centimes en Belgique; et les frais additionnels pour le certificat d'enregistrement ne devront pas excéder la somme de 5s. en Angleterre, ou de 6 francs 25 centimes en Belgique.

Les présentes stipulations ne s'étendront pas aux articles de journaux ou de recueils périodiques, pour lesquels le simple avertissement de l'auteur, ainsi qu'il est prescrit à l'Article V, suffira pour garantir son droit contre la reproduction ou la traduction. Mais si un article ou un ouvrage qui aura paru pour la première fois dans un journal ou dans un recueil périodique, est ensuite reproduit à part, il sera alors soumis aux stipulations du présent Article.

IX. Quant à ce qui concerne tout objet de littérature et d'art autre que les livres, estampes, cartes, et publications musicales, pour lesquels on pourrait réclamer la protection en vertu de l'Article I de la présente Convention, il est entendu que tout mode d'enregistrement autre que le mode prescrit par l'Article précédent, qui est ou qui pourrait être appliqué par la loi, dans un des 2 pays, à l'effet de garantir le droit de propriété à toute œuvre quelconque, ou article mis pour la première fois au jour dans ce pays, le dit mode d'enregistrement sera étendu, sous des conditions égales, à toute

X. During the continuance of this Convention, the duties now payable upon the lawful importation into the United Kingdom of Great Britain and Ireland of books, prints, drawings, or musical works, published throughout the territories of the Kingdom of Belgium, shall be reduced to and fixed at the rates hereinafter specified; that is to say:

£ s. d.

1. On books and musical works, the cwt. . 0 15 0
2. On prints or drawings, coloured or plain, the lb. . . 0 0 1½

It is agreed that the rates of duty above specified shall not be raised during the continuance of the present Convention; and that if hereafter during the continuance of this Convention, any reduction of those rates should be made in favour of books, prints, drawings, or musical works published in any other country, such reduction shall be at the same time extended to similar articles published in Belgium.

During the continuance of the present Convention, the duties now payable on the lawful importation into Belgium, of books, musical works, prints, and maps or charts published throughout the United Kingdom of Great Britain and Ireland, shall be reduced to and fixed at the uniform rate of 10 francs the 100 kilogrammes.

œuvre ou objet similaire, mis au jour pour la première fois dans l'autre pays.

X. Pendant la durée de la présente Convention, les droits actuellement établis à l'importation licite dans le Royaume Uni de la Grande Bretagne et d'Irlande, des livres, gravures, dessins, ou ouvrages de musique publiés dans toute l'étendue du territoire du Royaume de Belgique, demeurent réduits et fixés au taux ci-après établi, savoir:

£ s. d.

1. Sur les livres et œuvres de musique, par quintal Anglais . 0 15 0
2. Sur les gravures ou dessins, coloriés ou non, par livre . . 0 0 1½

Il est convenu que le taux des droits ci-dessus spécifiés ne sera pas augmenté pendant la durée de la présente Convention; et que si par la suite, pendant la durée de cette Convention, ce taux était réduit en faveur des livres, gravures, dessins, ou ouvrages de musique publiés dans tout autre pays, cette réduction s'étendra en même temps aux objets similaires publiés en Belgique.

Pendant la durée de la présente Convention les droits actuellement établis à l'importation licite en Belgique des livres, ouvrages de musique, estampes, et cartes géographiques ou marines, publiés dans toute l'étendue du Royaume Uni de la Grande Bretagne et d'Irlande, sont réduits et fixés au taux uniforme de 10 francs les 100 kilogrammes.

XI. It is agreed that no books shall, for the purposes of this Convention, so far as relates to the rate of duty at which such books are to be entered, be deemed to have been published in Belgium, except such as appear by their title-page to have been published at some town or place within the dominions of Belgium.

XII. In order to facilitate the execution of the present Convention, the 2 High Contracting Parties engage to communicate to each other the laws and regulations which may hereafter be established in their respective territories, with respect to copyright in works or productions protected by the stipulations of the present Convention.

XIII. The stipulations of the present Convention shall in no way affect the right which each of the 2 High Contracting Parties expressly reserves to itself, of controlling and of prohibiting, by measures of legislation or of internal police, the sale, circulation, representation, or exhibition of any work or production, in regard to which either country may deem it expedient to exercise that right.

XIV. Nothing in this Convention shall be construed to affect the right of either of the 2 High Contracting Parties to prohibit the importation into its own dominions, of such books as, by its internal law, or under

XI. Il est convenu qu'aucun livre ne sera, dans l'esprit de la présente Convention, en ce qui concerne le taux du droit dont ce livre doit être frappé, considéré comme ayant été publié en Belgique, si ce n'est celui dont le titre portera qu'il a été publié dans quelque ville ou localité située dans les domaines du Royaume de Belgique.

XII. Pour faciliter l'exécution de la présente Convention, les 2 Hautes Parties Contractantes s'engagent à se communiquer mutuellement les lois et règlements qui pourront être ultérieurement établis dans les Etats respectifs, à l'égard des droits d'auteurs, pour les ouvrages et productions protégés par les stipulations de la présente Convention.

XIII. Les stipulations de la présente Convention ne pourront, en aucune manière, porter atteinte au droit, que chacune des 2 Hautes Parties Contractantes se réserve expressément, de surveiller ou de défendre, au moyen de mesures législatives, ou de police intérieure, la vente, la circulation, la représentation, et l'exposition de tout ouvrage ou de toute production, à l'égard desquels l'un ou l'autre pays jugerait convenable d'exercer ce droit.

XIV. Rien dans cette Convention ne sera considéré comme portant atteinte au droit de l'une ou de l'autre des 2 Hautes Parties Contractantes de prohiber l'importation dans ses propres Etats des livres qui, d'après ses

engagements with other States, are or may be declared to be piracies, or infringements of copyright.

XV. The present Convention shall come into operation as soon as possible after the exchange of the ratifications. Due notice shall be given beforehand in each country, by the Government of that country, of the day which may be fixed upon for that purpose, and the stipulations of the Convention shall be applicable only to works and articles published, and to dramatic works or musical compositions represented or executed for the first time in either of the 2 countries, after the Convention shall have come into operation.

The Convention shall continue in force for 10 years from the day on which it may come into operation; and if neither Contracting Party shall, 12 months before the expiration of the said period of 10 years, give notice of its intention to terminate its operation, the Convention shall continue in force for a year longer, and so on from year to year, until the expiration of a year's notice from either Contracting Party for its termination.

The High Contracting Parties, however, reserve to themselves the power of making by common consent, in this Convention, any modifications which may not be inconsistent with its spirit and

lois intérieures ou des stipulations souscrites avec d'autres Puissances, sont ou seraient déclarés être des contrefaçons ou des violations du droit d'auteur.

XV. La présente Convention sera mise à exécution le plus tôt possible après l'échange des ratifications. Dans chaque pays, le Gouvernement fera dûment connaître d'avance le jour qui sera convenu à cet effet, et les stipulations de la Convention ne seront applicables qu'aux œuvres et articles publiés, et aux œuvres dramatiques ou compositions musicales représentées ou exécutées pour la première fois dans l'un des 2 pays, après la mise en vigueur de la Convention.

La Convention restera en vigueur pendant 10 années à partir du jour où elle pourra être mise à exécution; et dans le cas où l'une des 2 Parties Contractantes n'aurait pas signifié, 12 mois avant l'expiration de la dite période de 10 années, son intention d'en faire cesser les effets, la Convention continuera à rester en vigueur encore une année, et ainsi de suite d'année en année, jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Parties Contractantes l'aura dénoncée.

Les Hautes Parties Contractantes se réservent cependant la faculté d'apporter à la présente Convention, d'un commun accord, toute modification qui ne serait pas incompatible avec l'esprit et

principles, and which experience of its working may show to be desirable.

XVI. The present Convention shall be ratified, and the ratifications shall be exchanged at London as soon as may be within 6 months from the date of signature.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 12th day of August, in the year of our Lord 1854.

(L.S.) CLARENDON.

(L.S.) EDWARD CARD-
WELL.

(L.S.) SYLVAIN VAN DE
WEYER.

les principes qui en sont la base, et dont l'expérience aurait démontré l'opportunité.

XVI. La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres dans le délai de 6 mois, à partir du jour de la signature, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à Londres, le 12 Août, l'an de grace 1854.

(L.S.) CLARENDON.

(L.S.) EDWARD CARD-
WELL.

(L.S.) SYLVAIN VAN DE
WEYER.

Additional Postal Articles between Belgium
and France,
signed at Brussels, 16 August 1854

THESE Articles Supplementary to the Conventions of 3 November 1847 and 27 April 1849 are taken here from De Clercq, *Recueil des Traités de la France*, vol. VI, p. 457. They are also printed by Garcia de la Vega, *Traités etc. concernant le Royaume de Belgique*, vol. III, p. 21.

FRENCH TEXT

ART. 1^{er}. La taxe d'affranchissement des journaux, gazettes et ouvrages périodiques expédiés de France et d'Algérie pour la Belgique, *et vice versa*, sera perçue d'après les dimensions réunies des feuillets composant chaque numéro de journal, de gazette ou d'ouvrage périodique, sans égard au nombre ou au format de ces feuillets, à raison de dix centimes par soixante et douze décimètres carrés ou fraction de soixante et douze décimètres carrés.

Les taxes perçues en vertu du présent article seront réparties entre les administrations des postes des deux pays, d'après les bases fixées par le dernier alinéa de l'article 8 de la Convention additionnelle du 27 avril 1849.

ART. 2. Il est formellement convenu entre les deux Parties Contractantes que les journaux, gazettes et ouvrages périodiques, que l'administration des postes de France et l'administration des postes de Belgique se livreront réciproquement, affranchis jusqu'à destination, ne pourront, sous aucun prétexte et à quelque titre que ce soit, être frappés, dans le pays de destination, d'une taxe ou d'un droit quelconque à la charge des destinataires.

ART. 3. Sont abrogées, en ce qu'elles ont de contraire aux présents articles, les dispositions de l'article 8 de la Convention additionnelle du 27 avril 1849.

ART. 4. Les présents articles, qui seront considérés comme additionnels aux Conventions des 3 novembre 1847 et 27 avril 1849, seront ratifiés, et les ratifications en seront échangées à Bruxelles, aussitôt que faire se pourra; ils seront mis à exécution le 1^{er} octobre prochain.

Fait à Bruxelles, en double original, le 16 août de l'an de grâce 1854.

A. BARROT.

H. DE BROUCKÈRE.

Convention between France and Parma for the
Settlement of Certain Claims,
signed at Paris, 19 August 1854

THIS text is taken from De Clercq, *Recueil des Traités de la France*, vol. VI, p. 458.

FRENCH TEXT

EXPOSÉ.

Les Gouvernements de France et de Parme, avaient soumis à l'arbitrage du Gouvernement de S. M. I. et R. A. une question relative à la réclamation formée par le Gouvernement Parmesan au sujet du cautionnement d'un sieur Castellinard, autrefois receveur général du département du Taro. Le 16 décembre 1851, le Gouvernement de S. M. I. et R. A. a rendu une décision par laquelle il condamne le Gouvernement français à payer au Gouvernement de Parme le cautionnement du sieur Castellinard, plus les intérêts depuis 1813, époque à laquelle ils ont cessé d'être servis à ce comptable par la caisse des dépôts et consignations.

A la suite de cette décision, le département des Affaires Etrangères de France a cru devoir élever certaines objections, non contre la sentence elle-même, qu'il appartenait au Gouvernement de S. M. I. et R. A. de rendre conformément aux pouvoirs, dont la volonté commune des deux parties l'avaient investi à cet effet, mais sur deux points spéciaux dont l'un n'avait pas été compris dans le com-

promis intervenu verbalement entre les deux Gouvernements, et dont le second ne pouvait être pris en considération qu'au moment même où le payement serait effectué.

En effet, la sentence arbitrale condamnait le Gouvernement français à restituer certaines créances sur les hospices de Plaisance que ce Gouvernement réclame en vertu d'une cession régulière et définitive, et dont au surplus la question de propriété n'avait pas été mise par lui en arbitrage.

D'autre part, le même Gouvernement prétendait avoir le droit d'imputer sur la somme due en vertu de la sentence le montant de valeurs dont la remise, bien qu'elles appartenissent incontestablement à la France, avait été consentie à titre gracieux en 1829, alors que la réclamation semblait définitivement repoussée.

Ces deux demandes reconventionnelles du Gouvernement français ont fait l'objet de deux Notes passées par le Ministre de France au Gouvernement de S. M. I. et R. A. et communiquées par ce Gouvernement à celui du Duché.

Dans la dernière Note, par laquelle le comte Buol a transmis au Ministre de France les observations du Gouvernement Ducal, il reconnaît que si les faits énoncés dans la dernière communication de M. le baron de Bourqueney, étaient établis, « il n'y aurait plus « lieu de réclamer la restitution, ni des obligations sur les hospices « de Plaisance, ni de la somme remise en 1829 » et il ajoutait qu'il a cru devoir prendre l'initiative auprès du Gouvernement Parmesan en l'engageant à ne pas insister sur la restitution de ces valeurs « s'il n'était en possession de moyens suffisants pour infirmer les « assertions du Gouvernement Français. »

Les deux Gouvernements ont vu dans les communications de M. le Comte Buol une indication qu'il leur appartenait de s'entendre pour régler d'une manière amiable et directe les points ci-dessus indiqués, et également désireux de témoigner de leur déférence pour le Gouvernement dont l'arbitrage a terminé cette longue et difficile contestation, ils ont pensé qu'il convenait, par l'acte même qui constaterait ce règlement, de pourvoir à l'exécution immédiate de la sentence arbitrale.

En conséquence, et d'un commun accord, il a été convenu entre les Soussignés S. Ex. M. *Drouyn de Lhuys*, Ministre Secrétaire d'Etat au département des Affaires Etrangères de S. M. l'Empereur des Français, d'une part;

Et M. le Marquis de *Viluma*, Envoyé Extraordinaire et Ministre Plénipotentiaire de S. A. R. Madame la Duchesse Régente, au nom du Duc Robert 1^{er}, des États de Parme, dûment autorisé à cet effet, d'autre part; que ce règlement des points litigieux et cette exé-

cution de la sentence arbitrale, auraient lieu d'après les bases suivantes :

1^o Conformément à la décision de S. M. I. et R. A., le Gouvernement Français payera au Gouvernement Parmesan le montant intégral du cautionnement Castellinard, ainsi que des intérêts tels qu'ils sont alloués dans la sentence;

2^o Il sera tenu compte au Gouvernement Français du montant des valeurs remises en 1829 ainsi que des intérêts de ces valeurs, à partir du jour où la remise en a été effectuée;

3^o Les créances sur les hospices étant réclamées par la France en vertu d'une cession régulière et définitive, il est convenu d'un commun accord qu'elles seront admises en compte par le Gouvernement Parmesan. Toutefois, le Gouvernement Français reconnaissant qu'il a négligé d'exercer ses droits contre les hospices à cause des services qu'ils avaient, à l'époque des guerres de l'empire, rendus à ses soldats, et ne voulant ni exposer ces établissements à des poursuites trop rigoureuses, ni faire supporter au Gouvernement Parmesan une libéralité qu'il a jugé convenable de faire en leur faveur, déclare abandonner, d'une manière absolue, le montant des intérêts qui peuvent être dus par les hospices, et consentir, en outre, à ce que le capital même de ces créances, s'élevant à 80,080 francs, soit réduit à 65,000 fr. et imputé seulement pour ce chiffre sur la somme à payer au Gouvernement Parmesan.

En conséquence et d'après ces bases, les Plénipotentiaires Soussignés sont convenus des articles suivants :

ART. 1^{er}. En exécution de la sentence arbitrale rendue par le Gouvernement de S. M. I. et R. A., et d'après les termes même de cet acte, le Ministre des Affaires Etrangères de France s'engage à faire payer au Gouvernement du Duché de Parme, comme ayant cause du sieur Pépin Castellinard, le cautionnement fourni par ce dernier en sa qualité de Receveur Général du département du Taro, savoir : la somme de 183,966 francs, plus les intérêts provenant de cette somme au taux de cinq pour cent jusqu'au 15 mai 1820, et s'élevant à 67,837 fr. 46 c., ce qui donne un total de 251,803 fr. 46 plus les intérêts ultérieurs de la somme de 183,966 francs, au taux de cinq pour cent à compter du 15 mai 1820, ladite somme s'élevant aujourd'hui à 566,934 francs 66 centimes.

ART. 2. De son côté, le Gouvernement Parmesan déclare accepter à valoir sur cette somme :

1^o Les valeurs rendues en mars 1829 s'élevant alors à 44,738 fr. 76 c. ;

2^o Les intérêts desdites valeurs depuis cette époque montant à ce jour au chiffre de 56,750 fr. 93 c. ;

3° Les créances sur les hospices de Plaisance qui seront imputées pour une somme de 65,000 fr. seulement ; la présente réduction étant consentie en faveur des hospices, le Gouvernement de Parme s'engage à ne jamais réclamer de cette administration le payement d'une somme supérieure.

ART. 3. La différence restant due par le Gouvernement Français est fixée à la somme de 400,444 fr. 97 c. dont le Ministre des Affaires Etrangères s'engage à faire effectuer le payement dans le plus bref délai, et au plus tard dans deux mois, en un seul payement.

ART. 4. L'ensemble des stipulations du présent acte ayant pour but de régler de la manière la plus définitive, tant l'exécution de la sentence arbitrale du Gouvernement de S. M. I. et R. A., que les autres points en dehors de ladite sentence, il est expressément entendu que les deux Gouvernements renoncent de la manière la plus formelle à toute espèce de réclamation ultérieure sur les points contenus dans le présent acte, fut-ce même pour erreur matérielle de compte, erreur de fait ou de droit ou quelque'autre motif que ce puisse être.

ART. 5. Les deux Gouvernements adresseront à leurs représentants à Vienne des ordres pour qu'ils transmettent, en termes identiques au Gouvernement Autrichien, l'expression de leur reconnaissance pour l'arbitrage qu'il a bien voulu accepter en lui faisant connaître que sa décision souveraine a reçu son exécution définitive.

En foi de quoi, les Plénipotentiaires Soussignés ont signé les présents articles et y ont apposé le cachet de leurs armes.

Fait en double expédition à Paris, le 19 août 1854.

DROUYN DE LHUYS.

VILUMA.

Convention regarding Disposal of Property
and Succession thereto between Brunswick
and the United States,
signed at Washington, 21 August 1854

THE English and German texts of this Convention, the ratifications of which were exchanged on 28 July 1855, are taken here from Miller, *Treaties and other International Acts of the United States*, vol. VI, p. 851. The Convention is printed also in *British and Foreign State Papers*, vol. LIX, p. 242, and by Malloy, *Treaties etc. between the United States and Other Powers*, p. 156.

ENGLISH/GERMAN TEXTS

The President of the United States of America and His Highness the Duke of Brunswick & Luneburg, animated by the desire to secure and extend, by an amicable convention, the relations happily existing between the two countries, have, to this effect, appointed as their plenipotentiaries, to wit: the President of the United States of America, William L. Marcy, Secretary of State of the United States; and His Highness the Duke of Brunswick and Luneburg, Dr. Julius Samson, His said Highness' Consul at Mobile, Alabama; who, after the exchange of their full powers, found in good and due form, have agreed upon and signed the following articles:

Der Praesident der Vereinigten Staaten von America und Seine Hoheit der Herzog von Braunschweig und Lüneburg, bewogen durch den Wunsch, durch eine Convention die so glücklich bestehenden freundschaftlichen Beziehungen Ihrer beiden Staaten zu befestigen und weiter auszudehnen, haben zu diesem Zwecke zu Ihren Bevollmächtigten ernannt:

Der Praesident der V. Staaten von America Herrn William L. Marcy, Staatssecretair der V. Staaten und Se. Hoheit der Herzog von Braunschweig und Lüneburg Herrn Dr: Julius Samson Sr. Hoheit Consul in Mobile, Alabama, welche Bevollmächtigte nach vollzogener Auswechslung ihrer gegenseitig in richtiger und gehoeriger Form befundenen Vollmachten, nachstehende Artikel festgesetzt und unterzeichnet haben.

ARTICLE I.

The citizens of each one of the high contracting parties shall have power to dispose of their personal property, within the jurisdiction of the other subject to the laws of the State or country, where the domicile is, or the property is found, either by testament, donation, or *ab intestato*, or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament or *ab intestato*, and they may take possession of the same, either personally or by attorney, and dispose of them as they may think proper, paying to the respective governments no other charges than those to which the inhabitants of the country in which the said property shall be found would be liable in a similar case; and, in the absence of such heir, or heirs, the same care shall be taken of the property that would be taken, in the like case, for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same; and in case any dispute should arise between claimants to the same succession, as to the property thereof, the question shall be decided according to the laws, and by the judges, of the country in which the property is situated.

ARTIKEL I.

Die Staatsangehörigen eines jeden der Hohen contrahirenden Theile soll in den Staaten des andern die Freiheit zustehen, über ihre beweglichen Güter, nach den Gesetzen des Staats oder Landes wo sich das Domizil befindet oder diese Güter vorhanden sind, durch Testament, Schenkung, *ab intestato* oder auf irgend andere Weise zu verfügen, und deren Erben, wenn sie Angehörige des andern abschließenden Theiles sind, sollen im Besitze solcher beweglichen Güter nachfolgen, entweder durch Testament oder *ab intestato*, auch Possession von solchen nehmen, entweder in Person oder durch andere, welche an ihrer Stelle handeln, und nach Gutdünken damit schalten können, ohne andere Steuern zu bezahlen, als solche, welchen die Einwohner des Landes, worin sich die genannten Güter befinden, bei gleichem Anlasse unterworfen sind;—und im Falle der Abwesenheit des Erben oder der Erben soll hinsichtlich der erwähnten Güter dieselbe Sorgfalt angewendet werden, welche man bei gleichem Anlasse zur Sicherstellung des Nachlasses eines Staatsangehörigen desselben Landes anwenden würde, bis der gesetzmäßige Eigenthümer Zeit gehabt hat, selbigen Nachlass in Besitz zu nehmen; und sollten Streitigkeiten wegen der nachgelassenen Güter zwischen Personen, welche Erben zu

sein beanspruchen, entstehen, so sollen dieselben nach den Gesetzen und von den Richtern des Landes entschieden werden, in welchem das Object der Erbschaft sich befindet.

ARTICLE II.

If, by the death of a person owning real property in the territory of one of the high contracting parties, such property should descend, either by the laws of the country, or by testamentary disposition, to a citizen of the other party, who, on account of his being an alien, could not be permitted to retain the actual possession of such property, such term as the laws of the State or country will permit shall be allowed to him to dispose of such property, and collect and withdraw the proceeds thereof, without paying to the government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which such real property may be situated.

ARTICLE III.

The present convention shall be in force for the term of twelve years from the date hereof; and further, until the end of twelve months after the government of the United States on the one part,

ARTIKEL II.

Wenn durch den Tod irgend eines Besitzers von Immobilien oder Grundeigenthum, welche sich auf dem Gebiete des einen der Hohen contrahirenden Theile befinden, solche Güter nach dem Gesetze des Landes oder nach testamentarischer Verfügung auf einen Angehörigen des andern Theils übergehen würden, dem es aber, da er ein Fremder, nicht erlaubt ist, solche Güter in wirklichem Besitze zu halten, dann soll ihm ein solcher Termin, die obigen Güter zu verkaufen, die Gelder einzucassiren, und den Ertrag zu sich zu nehmen gewährt werden, wie ihn die Gesetze des Staates oder Landes gewähren; ohne der Regierung andere Steuern zu bezahlen, als in einem ähnlichen Falle ein Angehoeriger des Staates wo sich der Grundbesitz befindet, zu bezahlen verbunden wäre.

ARTIKEL III.

Der gegenwärtige Vertrag soll für zwölf Jahre lang vom heutigen Tage angerechnet, Verbindlichkeit haben, und für weiter bis zum Ende von zwölf Monaten, bis nachdem die Regierung der V.

or that of His Highness the Duke of Brunswick and Luneburg on the other, shall have given notice of its intention of terminating the same.

This convention shall be ratified, and the ratifications shall be exchanged at Washington within twelve months after its date, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed the present convention, and have thereunto affixed their seals.

Done at Washington, this twenty-first day of August in the year of our Lord one thousand eight hundred and fifty-four, and of the Independence of the United States the seventy-ninth.

[Seal] W. L. MARCY
[Seal] JULIUS SAMSON

Staaten einerseits oder Seine Hoheit der Herzog von Braunschweig und Lüneburg andererseits von Deren Absicht diese Convention aufhören zu lassen, Anzeige gemacht haben.

Dieser Vertrag soll ratificirt und die Ratifications-Urkunden innerhalb zwölf Monaten, vom heutigen Tage an gerechnet, oder wo möglich früher, in Washington ausgewechselt werden.

In Urkund dessen haben die beiderseitigen Bevollmächtigten gegenwärtigen Vertrag unterschrieben und ihre Siegel begedrückt.

Ausgestellt in Washington heutigen Tages am 21ten August im Jahre des Herrn Ein Tausend acht Hundert und vier und fünfzig und dem neun und siebenzigsten der Unabhängigkeit der Vereinigten Staaten:

[Seal] JULIUS SAMSON
[Seal] W. L. MARCY.

Convention of Commerce between Great
Britain and Barra,
signed at Fort Bullen, 26 August 1854

THIS Convention, which is printed also in *Hertslet's Commercial Treaties*, vol. XII, p. 62, is taken here from *British and Foreign State Papers*, vol. L, p. 828.

ENGLISH TEXT

CONVENTION *of Commerce with Barra.—Fort Bullen, Barra Point, August 26, 1854.*

CONVENTION made the 26th day of August, 1854, between Luke Smyth O'Connor, Esquire, Governor and Commander-in-Chief of Her Majesty's Settlements on the River Gambia, Vice-Admiral and Ordinary of the same, Lieutenant-Colonel in Her Majesty's army, commanding troops on the Western Coast of Africa, &c., on the one hand, and Demba Sonko, King of Barra on the other.

Whereas the traders and agents of the merchants residing in Her Majesty's Settlements on the River Gambia, carry on trade and mercantile intercourse with the inhabitants of the Kingdom of Barra, thereby increasing the benefit and advantage of trade both to the said Settlements and Kingdom, and, whereas, for the further increase of those benefits it is expedient that all due protection should be afforded to those traders and agents, it is hereby agreed by the Contracting Parties aforesaid.

ART. I. That all traders entering the Kingdom of Barra for the purpose of trade shall be liable to pay a fixed Custom of 3*l.* sterling in cash, for each year during which he carries on trade in the said Kingdom, and which payment shall ensure a free pass for all cattle belonging to them, the said traders and agents.

II. That this Custom shall be paid in the following manner,

viz.: that each trader shall pay into the Colonial Chest at Bathurst, the aforesaid Custom of 3*l.* sterling, for which he will receive from the Colonial Secretary a receipt, which receipt on being delivered to the said King of Barra, or his agents, shall entitle him, the said trader, to carry on trade within the said Kingdom.

III. That on production, by the said King of Barra, or his agent, to the Colonial Secretary, of the aforesaid receipts, on or after the 1st day of July of each year, he shall be entitled to receive for each such receipt, the sum of 3*l.* sterling from the said Secretary.

IV. That all such traders and agents shall, when trading in the said Kingdom, conduct themselves in a peaceable and orderly manner, and shall not engage themselves with any acts or movements within the said Kingdom, by which the King may sustain loss or injury.

V. That in case any trader or agent, who shall have paid the Custom aforesaid, shall be robbed or plundered by the King, or any of his subjects, or other persons on the King's ground, it shall be lawful for the Governor of the Gambia to indemnify such traders or agent to such extent as his Excellency the Governor shall think just and equitable, from the Customs received or to be received under this convention.

In consideration whereof His Majesty the King of Barra agrees and faithfully promises:

1. To protect the lives and property of all such traders and agents, and to secure them against loss or damage of any kind whatsoever, while trading as aforesaid, in his dominions.

2. That in the event of the misconduct or death of any such trader or agent, the goods in his possession shall not thereupon be seized and sold for the benefit of the King, provided they be not the actual property of such trader or agent, but shall be protected until the proper owners thereof be found, and shall prove his title thereto.

In witness of this Convention the parties aforesaid have hereunto set their hands, and affixed their seals, at Fort Bullen, Barra Point, this 26th day of August, 1854.

L. SMYTH O'CONNOR, *Governor.*

(Signed in Arabic) DEMBA SONKO, *King of Barra.*

[And several other Chiefs and Witnesses.]

Postal Convention between France and
Sweden-Norway,
signed at Stockholm, 1 September 1854

THE parallel Swedish and French texts of this Convention are taken here from Rydberg, *Sverges och Norges Traktater med Främmande Magter*, vol. XI, p. 269. The French text is also printed by De Clercq, *Recueil des Traités de la France*, vol. VI, p. 461.

Hans Maj:t Konungen af de Förenade Konungarikena Sverige och Norrige och Hans Maj:t Fransmännens Kejsare, ömsesidigt önskande, att än fastare sammanknyta vänskapsbanden de respective Länderne emellan, hafva, i ändamål att underlätta och på det fördelaktigaste sätt ordna Postförbindelserne emellan Sverige och Frankrike samt emellan Norrige och Frankrike, funnit för godt att derom afsluta en Convention och i sådant hänseende utnämnt till befullmäktigade Ombud:

Hans Maj:t Konungen af Sverige och Norrige: Dess f. d. Stats-Råd, Kammarherre, General-Post-Directeur, Commendeur med Stora Korset af dess Nordstjerne Orden, Storkors af Kongl. Danska Danebrogs Orden, Friherre Otto Wilhelm Stael von Holstein; samt

Hans Maj:t Fransmännens Kejsare: Dess Envoyé Extraordinaire och Ministre Plénipotentiaire hos Hans Maj:t Konungen af Sverige och Norrige, Officeraren af Kejserliga Franska Heders-Legions Orden, Commendeuren med Stora Korset af Kongl. Sven-

Sa Majesté le Roi de Suède et de Norvège et Sa Majesté l'Empereur des Français, désirant reserrer les liens d'amitié qui unissent si heureusement leurs États respectifs, en facilitant et en réglant de la manière la plus avantageuse les communications postales, tant entre la Suède et la France qu'entre la Norvège et la France, ont voulu assurer ce résultat au moyen d'une Convention, et ont nommé pour leurs Plénipotentiaires à cet effet, savoir:

Sa Majesté le Roi de Suède et de Norvège: le sieur Othon Guillaume Baron de Staël-Holstein, ancien Conseiller d'État, Chambellan de Sa Majesté, Directeur-Général de ses Postes, Grand-Croix de l'Ordre Royal de l'Étoile Polaire et de l'Ordre Royal du Danebrog de Danemark; et

Sa Majesté l'Empereur des Français: le sieur Charles Victor Lobstein, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Suède et de Norvège, Officier de l'Ordre Imperial de la Légion d'Honneur, Grand-Croix de l'Ordre

ska Nordstjerne Orden, Rid-
daren af Kongl. Portugisiska
Orden da Conceição, Herr
Charles Victor Lobstein;

hvilka, efter att hafva ut-
vexlat deras ömsesidige, i
godt och behörigt skick be-
funne, Fullmakter, öfverens-
kommit om följande Artiklar:

Art. 1. Emellan Svenska
eller Norska Post-Verket,
hvar för sig, å ena, samt
Franska Post-Verket, å andra
sidan, skall medelbart, för
Norsk brevexling genom
Svenska, när så påfordras,
och i öfrigt genom Danska,
Tyska, Belgiska samt om
sådant, efter hvad i 6:te Ar-
tikeln här nedan omförmäles,
framdeles kan för serskildt
fall tillvägabringas, jemväl
genom Engelska Post-Verken,
allt efter omständigheterna,
regelmässigt utvexlas post-
försändelser af bref samt
tidningar och andra tryckte
saker, af hvad natur och
beskaffenhet som helst, med
den inskränkning 13:de Ar-
tikeln innefattar.

Art. 2. Bref och andra för-
sändelser, som till Posterne
höra, utvexlas styckevis ge-
nom directa chartor emellan
Svenska och Norska Post-
Verken, hvar för sig, å ena,
samt Franska Post-Verket, å
andra sidan.

Royal de l'Étoile Polaire de
Suède, Chevalier de l'Ordre
de la Conception de Portugal;

lesquels, après avoir échangé
leurs pleins pouvoirs respectifs,
trouvés en bonne et due forme,
sont convenus des Articles
suivants:

Art. 1. Il y aura entre l'Ad-
ministration des Postes de
Suède ou celle de Norvège,
d'une part, et l'Administration
des Postes de France, d'autre
part, un échange périodique
de lettres, de journaux et
d'imprimés de toute nature,
sous la réserve portée à
l'Article 13, soit par l'inter-
médiaire des Postes de Suède,
lorsque les Correspondances
Norvégiennes empruntent cette
voie, soit par l'intermédiaire
des Postes de Danemark,
d'Allemagne, de Belgique,
comme aussi d'Angleterre,
dans les cas déterminés par
l'Article 6, le tout selon les
circonstances.

Art. 2. Les lettres et autres
objets confiés à la Poste seront
échangés entre l'Office de
Suède ou celui de Norvège,
d'une part, et l'Office de
France, d'autre part, pièce
par pièce, au moyen de
feuilles d'avis directes.

Art. 3. Bref från Sverige eller Norrige till Frankrike, eller vice versa, äfvensom bref från andra Länder, transiterande Sverige eller Frankrike, samt Tidningar eller tryckte saker under korsomslag, då dessa sändas directe emellan Sverige samt Stralsund, eller Stettin, befordras i slutna säckar; men försändelser af sistnämnde beskaffenhet, nemligen Tidningar och tryckte saker under korsomslag, som transitera Danmark, öfverlemnas till vederbörande mellanliggande Post-Verk för vidare befordran, så vidt icke och intilldess öfverenskommelse om annat försändingssätt kan träffas med Danmark.

Art. 4. Alla Postförsändelser till Sverige eller Norrige skola, före afsändandet från Frankrike, fördelas i särskildte säckar eller paketer på sådant sätt, att försändelserne till Norrige afskiljas från dem till Sverige, så att den Norska correspondancen, med hvad dertill hör, alltid må kunna befordras öfver Hamburg, men Svenska Post-Styrelsen vara oförhindrad, att om Svenska correspondancens befordrande å denna, eller annan, väg, särskildt, efter öfverenskommelse

Art. 3. Les lettres originaires de Suède et de Norvège pour la France, ou réciproquement, et les lettres d'autres pays, transitant par la Suède ou par la France, ainsi que les journaux ou imprimés sous bandes, dans les cas où ils sont expédiés directement entre la Suède et Stralsund ou Stettin, seront transportés en dépêches closes; mais les objets de cette dernière espèce, c'est-à-dire les journaux et imprimés sous bandes qui traversent le Danemark, seront remis aux Postes intermédiaires pour leur expédition ultérieure jusqu'à ce qu'il soit intervenu un arrangement avec le Danemark pour un autre mode d'expédition.

Art. 4. Les correspondances de toute nature, destinées à la Suède ou à la Norvège, seront classées, avant d'être expédiées de France, en dépêches ou paquets distincts, de telle sorte que les correspondances pour la Norvège soient séparées d'avec celles pour la Suède, afin que les correspondances Norvégiennes puissent, en tout temps, être envoyées par Hambourg, mais qu'il soit loisible à l'Administration des Postes de Suède de diriger les correspondances Suédoises par cette voie, ou

med Franska Post-Styrelsen, förordna.

Art. 5. Försändningen skall, så framt afsändaren icke genom påskrift uttryckeligen begärt försändning å annan väg, alltid ske å den väg och med de befordringsmedel, hvarom Post-Styrelserna öfverenskomma, i ändamål att försändelserne må skyndsammast och bekvämligast uppnå bestämmelseorten.

Art. 6. Såsom följd af 5:te Artikeln bör, så framt Sverige erhåller tillernad direct Post-ångbåts-communication emellan Götheborg och London, samt öfverenskommelse kan träffas med Engelska Post-Styrelsen om antagligt Engelskt transito-porto och öfrige villkor, Svensk-Franska correspondancen från eller till Götheborg och deromkring belägne städer, befordras öfver London.

Art. 7. Såsom gemensamt Svenskt och Franskt samt Norskt och Franskt porto bestämmes:

För försändelser emellan Sverige och Frankrike, samt öfver Sverige eller Frankrike,

par toute autre, suivant ce qu'elle aura arrêté avec l'Administration des Postes de France.

Art. 5. Toutes les fois que l'envoyeur n'indiquera pas sur l'adresse une voie différente, l'expédition se fera par la voie et de la manière dont conviendront les Administrations respectives, à l'effet de faire parvenir les correspondances le plus promptement et le plus facilement à leur destination.

Art. 6. En conséquence de l'Article 5 précédent, si la Suède parvient à établir un service direct de paquebots de poste entre Gothenbourg et Londres et à s'entendre avec l'Administration des Postes d'Angleterre sur le port de transit Anglais et les autres conditions, les correspondances Suédo-Françaises originaires ou à destination de Gothenbourg, ou des villes voisines, pourront être expédiées par Londres.

Art. 7. Le prix de port des correspondances Suédo-Françaises et Norvégo-Françaises sera établi de la manière suivante:

Pour les correspondances entre la Suède et la France, ainsi que pour celles transitant

från eller till andra länder
än Norrige:

för enkelt bref..... 1 franc.

För tidningar, journaler,
periodiska skrifter, häftade
ej bundne böcker, brochurer,
musikalier och cataloger, pro-
spekter, tillkännagifvanden,
tryckte, lithografiska eller
autografiska meddelanden
under korsband:

för enkelt paket... 20 cen-
times.

För försändelser emellan
Norrige, Frankrike, samt
öfver Norrige eller Frankrike
från eller till andra länder:

för enkelt bref..... 1 franc
20 centimes.

För tidningar samt andra
tryckte, lithografierade eller
autografierade saker af nyss-
nämnde beskaffenhet under
korsomslag:

för enkelt paket... 24 cen-
times.

För försändelser, som tran-
sitera Sverige eller Frankrike,
till eller från andra länder än
Norrige, samt för försändelser
från eller till Norrige, som
transitera Frankrike, tillägges
vederbörande främmande Sta-
ters porton från afgångsorten
till inträdet i Sverige eller
Frankrike, samt från utgångs-

par la Suède ou par la France,
et originaires ou à destination
d'autres pays que la Norvège:

par lettre simple... 1 franc.

Pour les journaux, gazettes,
ouvrages périodiques, livres
brochés, brochures, papiers
de musique, catalogues,
prospectus, annonces et avis
divers imprimés, lithographiés
ou autographiés, expédiés
sous bandes:

par paquet simple... 20 cent.

Pour les correspondances
entre la Norvège et la France,
ainsi que pour celles transitant
par la France ou par la
Norvège et originaires ou à
destination d'autres pays:

par lettre simple... 1 franc
20 cent.

Pour les journaux et autres
envois sous bandes, désignés
ci-dessus, imprimés, litho-
graphiés ou autographiés:

par paquet simple... 24 cent.

Pour les correspondances
transitant par la Suède ou
par la France, et originaires
ou à destination d'autres pays
que la Norvège, ainsi que
pour les correspondances ori-
ginaires ou à destination de
la Norvège, transitant par la
France, il sera ajouté le port
revenant aux États étrangers,

punkten från Sverige eller Frankrike till bestämmelseorten.

För rekommenderade bref erlägges dubbelt porto.

Art. 8. Med enkelt bref och enkelt korsbandspaket förstås i denna Convention:

Med enkelt bref: ett bref, som ej väger öfver $7\frac{1}{2}$ Franska grammer ($\frac{1}{2}$ lod).

För vigt derutöfver samt till och med 15 grammer betalas dubbelt porto, och för vigt utöfver 15 till och med $22\frac{1}{2}$ grammer betalas tredubbelt porto, och så vidare.

Med enkelt korsbandspaket: en tidning, journal eller periodisk skrift af ett ark, ej innehållande mer än 72 Franska quadratdecimètres utan beräkning af bråk, samt häftade böcker, brochurer eller andra tryckta, lithograferade eller autograferade saker, ett ark, icke innehållande mer än 30 Franska quadratdecimètres utan bråk.

För hvarje ark eller omfång utöfver förestående tillägges ytterligare porto efter förestående grunder.

depuis le lieu de départ jusqu'à l'entrée en Suède ou en France, et depuis la sortie de la Suède ou de la France jusqu'au lieu de destination.

Le port des lettres chargées sera double.

Art. 8. Par lettre simple et par envoi sous bande simple, on entend dans cette Convention, savoir:

Par lettre simple, celle dont le poids n'excédera pas $7\frac{1}{2}$ grammes de France ($\frac{1}{2}$ lod).

Les lettres pesant au dessus, et jusqu'à 15 grammes inclusivement, supporteront un port double.

Celles pesant au dessus de 15 et jusqu'à $22\frac{1}{2}$ grammes inclusivement, un port triple, et ainsi de suite.

Par envoi sous bandes simple: un journal, gazette ou ouvrage périodique d'une feuille, n'excédant pas 72 décimètres carrés de France, sans acception de fraction; ainsi que les livres brochés, brochures, ou autres envois imprimés, lithographiés ou autographiés d'une feuille n'excédant pas 30 décimètres carrés de France, sans acception de fractions.

Pour chaque feuille ou dimension dépassant ces chiffres, il sera ajouté un port d'après les bases établies ci-dessus.

Art. 9. Bref från eller till Sverige eller Norrige, till eller ifrån Frankrike kunna i allmänhet afsändas antingen helt och hållet betaldte (frankerade), eller helt och hållet obetaldte (ofrankerade). Delvis frankering medgifves ej, utan bör, om sådan ägt rum, emottagaren erlägga porto såsom för ofrankerad försändelse.

Rekommenderade bref böra dock vara helt och hållet frankerade till bestämmelseorten. De kunna försändas så väl emellan Sverige eller Norrige och Frankrike, som till sådana främmande länder, till hvilka Correspondenter i Sverige eller Norrige, genom Frankrike, och Correspondenter i Frankrike, genom Sverige eller Norrige, kunna försända andra bref frankerade ända till bestämmelseorten.

Korsbandsförsändelser böra jemväl vara frankerade till bestämmelseorten, vid påföljd, att de i motsatt fall behandlas och taxeras såsom bref.

I hvad mohn och uppå hvilka villkor bref eller andra postförsändelser, transiterande öfver Sverige eller Frankrike, kunna befordras frankerade

Art. 9. Les lettres originales, soit de Suède ou de Norvège pour la France, soit de France pour la Suède ou la Norvège, pourront, au choix des envoyeurs, être expédiées affranchies ou non affranchies jusqu'à destination. Il ne peut y avoir d'affranchissement partiel; mais s'il a eu lieu, le destinataire acquittera le port comme pour un envoi non affranchi.

Les lettres chargées devront toujours être affranchies jusqu'à destination. Elles pourront être expédiées, tant entre la Suède ou la Norvège et la France, qu'à destination des pays étrangers, pour lesquels les habitants de la Suède ou de la Norvège, par la voie de la France, ou les habitants de la France, par la voie de la Suède ou de la Norvège, pourront expédier des lettres ordinaires affranchies jusqu'à destination.

Les envois sous bande devront également être affranchis jusqu'à destination; faute de quoi ils seront taxés et traités comme lettres.

Quant aux conditions sous lesquelles les lettres et autres envois, qui transitent par la Suède ou par la France, peuvent être expédiés affranchis

eller ofrankerade, beror på bestämmelserne i de främmande Stater, hvilkas områden de skola beröra, och i hvilket hänseende de respective Post-Styrelserne skola meddela hvarandra nödiga uplysningar och upgifter.

Art. 10. Det här ofvan i 7:de och 8:de Artiklarne bestämde gemensamma porto fördelas sålunda, att af detsamma:

för försändelser emellan Sverige och Frankrike, samt öfver Sverige och Frankrike, bägge Rikena, eller ettdera, med undantag af försändelser till eller ifrån Norrige, tillfalla:

Sverige två femtedelar, och

Frankrike tre femtedelar; samt

för försändelser emellan Norrige och Frankrike eller öfver Frankrike till eller ifrån Norrige, tillfaller:

Norrige hälften och
Frankrike hälften.

Art. 11. De respective Post-Styrelserne bekosta och ombesörja, sjelfve eller genom mellanliggande Post-Verk, postförsändelsernas befordring, på sätt som följer:

ou non affranchis, elles dépendent des dispositions prises dans les États étrangers dont ils doivent toucher les territoires; les Administrations respectives se communiqueront à ce sujet les indications nécessaires.

Art. 10. Le prix de port établi aux Articles 7 et 8 précédents sera partagé de manière qu'il en revienne:

pour les correspondances échangées entre la Suède et la France, et les correspondances transitant par la Suède ou par la France, autres que celles originaires ou à destination de la Norvège:

à la Suède deux cinquièmes, et

à la France trois cinquièmes; et

pour les correspondances échangées entre la Norvège et la France: ou celles originaires ou à destination de la Norvège transitant par la France:

à la Norvège, la moitié, et
à la France, la moitié.

Art. 11. Les Administrations des Postes respectives défrayent et desservent, soit par elles-mêmes, soit par les Administrations des Postes intermédiaires, l'expédition des correspondances de la manière suivante:

Svenska Post-Styrelsen bekostar befordringen inom Sverige samt deremellan från eller till Hamburg, Stralsund eller Stettin, af alla postförsändelser, som afgå till eller från Sverige eller deröfver transitera, med undantag allenast af försändelser till eller från Norrige;

Norska Post-Styrelsen bekostar befordringen inom Norrige samt deremellan till eller från Hamburg, Stralsund eller Stettin, directe dit, eller öfver Sverige och Danmark, af alla postförsändelser från eller till Norrige;

och Franska Post-Styrelsen bekostar befordringen inom Frankrike samt deremellan från eller till Hamburg, Stralsund eller Stettin och, för det i 6:te Artikeln afsedda fall, till eller från Engelsk plats.

Art. 12. Till förmån för de Norsk-Franska postförsändelserne medgifves å Sveriges sida, att för den del af nämnde försändelser, som transiterar Sverige, Svenska transitoportot må inskränkas till hvad Norriges

L'Administration des Postes de Suède prend à sa charge l'expédition dans l'intérieur de la Suède et entre la frontière Suédoise et Hambourg, Stralsund ou Stettin, de toutes les correspondances originaires ou à destination de la Suède ou transitant par la Suède, à l'exception seulement des correspondances originaires ou à destination de la Norvège;

L'Administration des Postes de Norvège prend à sa charge l'expédition dans l'intérieur de la Norvège, et entre la Norvège et Hambourg, Stralsund ou Stettin, directement, ou par la Suède ou le Danemark, de toutes les correspondances originaires ou à destination de la Norvège;

et l'Administration des Postes de France prend à sa charge l'expédition dans l'intérieur de la France et entre la France et Hambourg, Stralsund ou Stettin, et, dans le cas prévu par l'Article 6, pour ou de l'Angleterre.

Art. 12. Pour faciliter les correspondances Norvégo-Françaises, la Suède consent à ce que le port de transit Suédois sur la partie de ces correspondances qui traverse la Suède ne dépasse point l'excédant de la part revenant

andel i portot för Norsk-Franska postförsändelser öfverstiger Sveriges andel i portot för Svensk-Franska postförsändelser.

Art. 13. För att tillgodonjuta den i 7:de Artikeln medgifna portonedsättelse för tidningar, journaler, periodiska skrifter och andra deruti omförmäldte tryckte, lithografierade eller autografierade meddelanden, skola desamma, endast försedde med korsomslag, vara så inlagde, att tydligt kan ses, att de ej innehålla något annat skrifvet än adressen, afsändarens namn, afsändningsorten och datum.

Öfverträdes denna föreskrift, betraktas och taxeras de såsom bref.

Bestämmelserna i denna och föregående Artiklar förringa på intet sätt de respektive Post-Styrelsernes rättighet, att icke inom deras områden emottaga, befordra eller utdela sådane bland förenämnde tidningar, journaler eller meddelanden, hvilkas allmängörande eller kringspredande kan vara stridande emot gällande lagar och laga föreskrifter.

à la Norvège dans le prix de port des correspondances Norvégo-Françaises sur la part revenant à la Suède dans le prix de port des correspondances Suédo-Françaises.

Art. 13. Pour jouir des modérations de port accordées par l'Article 7 précédent aux journaux, gazettes, ouvrages périodiques, et autres envois imprimés, lithographiés ou autographiés, ces objets devront être mis sous bandes, et disposés de manière à rendre visible qu'ils ne contiennent d'autres écritures que l'adresse, le nom de l'envoyeur, le lieu de destination et la date.

Les journaux et autres imprimés qui ne réuniraient pas ces conditions, seront considérés comme lettres et taxés en conséquence.

Il est entendu que les dispositions contenues dans cet Article et dans les Articles précédents n'infirmant en aucune manière le droit qu'ont les Administrations des Postes respectives de ne pas effectuer sur leurs territoires le transport et la distribution de ceux des objets désignés aux dits Articles, dont la publication ou la circulation peut être contraire aux lois et réglemens en vigueur.

Art. 14. I den händelse rekommenderadt bref går förloradt, erhåller afsändaren eller adressaten, allt efter förhållandet, en ersättning af 50 francs, så framt anspråk härom hos vederbörande Post-Styrelse göres inom sex månader från den dag, då brefvet blifvit inlemnadt eller bort afgå. Försummas denna tid, är all rätt till nämnde ersättning förlorad.

Har det rekommenderade brefvet gått förloradt på Svenskt, Norskt eller Franskt område, skall ersättningen stadna det Post-Verk till last, å hvars område förlusten ägt rum; men har förlusten inträffat under transiteringen emellan Sverige och Frankrike, eller emellan Norrige och Frankrike, skall ersättningen utgifvas af Svenska Post-Verket, om brefvet varit Svenskt-Franskt och förlusten ägt rum emellan Sverige samt Hamburg, Stralsund eller Stettin; af Norska Post-Verket, om brefvet varit Norskt-Franskt och förlusten ägt rum emellan Norrige samt Hamburg, Stralsund eller Stettin, å annat ställe än inom Sverige; samt af Franska Post-Verket, om

Art. 14. Dans le cas ou une lettre chargée viendrait à être perdue, il sera payé à l'envoyeur ou au destinataire, suivant le cas, une indemnité de cinquante francs, à condition que le réclamation soit faite auprès de l'Administration compétente dans les six mois qui suivront la date du dépôt ou de l'envoi de la dite lettre. Passé ce délai, les réclamations d'indemnité de cette nature ne pourront plus être admises.

Lorsqu'un chargement aura été perdu sur le territoire Suédois, sur le territoire Norvégien ou sur le territoire Français, l'indemnité devra être payée par celle de trois Administrations sur le territoire de laquelle la perte aura eu lieu. Mais lorsque la perte sera arrivée dans le trajet entre la Suède et la France, ou entre la Norvège et la France, l'indemnité sera payée par l'Administration Suédoise, s'il s'agit d'une lettre Suédo-Française et que le chargement a été perdu entre la Suède et Hambourg, Stralsund ou Stettin; par l'Administration Norvégienne, s'il s'agit d'une lettre Norvégo-Française et que le chargement a été perdu entre la Norvège et Hambourg, Stral-

förlusten ägt rum emellan Frankrike samt Hamburg, Stralsund eller Stettin.

Önskar afsändare att efter Svensk eller Norsk lag försäkra sig om högre ersättning än femtio francs, i händelse rekommenderadt bref går förloradt under befordringen inom Sverige eller Norrige, äger han rätt dertill, emot iakttagande af hvad i sådant hänseende finnes i hvarterdera af dessa Riken serskildt stadgadt; kommande afgiften dervid icke att ingå i liqid Post-Verken emellan.

Art. 15. Svenska och Franska Post-Styrelserne sig emellan, samt Norska och Franska Post-Styrelserne sig emellan, skola för hvarje månad upgöra de räkningar, som härledas från de ömsesidiga postförsändelserne. Hvad efter dessa räkningar, sedan de blifvit vederbörligen granskade och godkände, Post-Verken finnas hafva att fordra, det ena hos det andra, bör för hvarje kvartal betalas af det Svenska eller Norska, till det Franska i Paris, och

sund ou Stettin, ailleurs qu'en Suède; et par l'Administration Française, si le chargement a été perdu entre la France et Hambourg, Stralsund ou Stettin.

Si l'envoyeur desire, conformément à la législation Suédoise ou Norvégienne, s'assurer une indemnité plus forte que cinquante francs, pour le cas où une lettre chargée viendrait à être perdue sur le territoire Suédois ou Norvégien, il pourra le faire en se conformant aux dispositions propres en cette matière à l'un et l'autre Royaume; le montant de cette indemnité ne devant pas être compris dans le décompte entre les Administrations respectives.

Art. 15. Les Administrations des Postes de Suède et de France entre elles, et les Administrations des Postes de Norvège et de France entre elles, dresseront chaque mois les comptes résultant de la transmission réciproque des correspondances. Ces comptes, après avoir été débattus et arrêtés contradictoirement, seront soldés à la fin de chaque trimestre par l'Administration qui sera reconnue redevable envers l'autre, savoir: par l'Administration de Suède ou

af det Franska till det Svenska i Stockholm, och till det Norska i Christiania.

Art. 16. Oriktigt adresserade eller oriktigt sände bref, tidningar, journaler, periodiska skrifter eller andra korsbandsförsändelser af hvad slag som helst, skola genast ömsesidigt genom vederbörande Utvexlings Post-contor eller Bureau återsändas, med påföring i liquiden Post-Verken emellan af enahanda porto som det, hvarmed de blifvit belastade af det Post-Verk, som dem afsändt.

Bref eller korsbandsförsändelser af förenämnde beskaffenhet, adresserade till personer, som ombytt vistelseort, böra till vederbörande öfverlemnas eller ock återsändas, belastade med det porto, som bort betalas af adressaterna.

Obetalde, emellan Svenska och Franska, eller emellan Norska och Franska Post-Verken utvexlade postförsändelser, hvilka af en eller annan orsak, hvilken som helst, ej blifvit uttagne, eller kunnat utlemnas, skola i allmänhet efter slutet af hvarje månad, eller oftare, om så ske kan, ömsesidigt återsändas med påföring af lika porto,

de Norvège à celle de France, à Paris, et par l'Administration de France à celle de Suède à Stockholm, et à celle de Norvège à Christiania.

Art. 16. Les lettres, journaux, gazettes, ouvrages périodiques et imprimés de toute nature, mal adressés ou mal dirigés, seront, sans aucun délai, réciproquement renvoyés par l'intermédiaire des Bureaux d'échange respectifs, pour les prix auxquels l'Office expéditeur aura livré ces objets en compte à l'autre Office.

Les objets de même nature qui auront été adressés à des destinataires ayant changé de résidence, seront réciproquement livrés ou rendus, chargés du port qui aurait dû être payé par les destinataires.

Les lettres et objets de toute nature non affranchis, échangés entre les Administrations des Postes de Suède et de France, ou celles de Norvège et de France, qui seront tombés en rebut, pour quelque cause que ce soit, devront être renvoyés, de part et d'autre, à la fin de chaque mois et plus souvent, si faire se peut, pour le prix pour

som blifvit beräknadt af det afsändande Post-Verket.

Bref, betaladt ända till destinationsorten, återsändas utan någon serskild porto-beräkning.

»Poste restante» bref återsändas dock ej förr, än de qvarlegat tre månader.

På de respective Post-Styrelserne, hvar för sig, ankommer att för sig bereda restitution af vederbörande främmande Post-Verk för det desse tillkommande transito-porto, som kan hvila å återgående postförsändelser af förenämnde beskaflenhet.

Art. 17. Svenska och Franska samt Norska och Franska Post-Styrelserne bestämma, efter öfverenskommelse sig emellan, de Post-Contor genom hvilka correspondancens utvexling skall äga rum. De äga jemväl att sig emellan öfverenskomma och uti serskildte reglementen innefatta föreskrifter angående sättet för upställning af de i 15:de Artikeln omförmälde afräkningar; de ömsesidigt öfverlemnade postförsändelsernes chartering och befordring, samt alle andre nödige åtgärder och iakttagelser för verkställighet af denna Convention.

lequel ils auront été originairement comptés par l'Office envoyeur.

Les lettres affranchies jusqu'à destination seront renvoyées sans taxe ni décompte.

Toutefois les lettres adressées »Poste restante» ne seront renvoyées qu'après trois mois.

Il sera facultatif à chacune des Administrations respectives de s'entendre avec les Administrations intermédiaires sur la restitution du port de transit revenant à ces dernières pour les objets susmentionnés.

Art. 17. Les Administrations des Postes de Suède et de Norvège et celle de France désigneront d'un commun accord les Bureaux par lesquels devra avoir lieu l'échange des correspondances respectives. Elles régleront aussi la forme des comptes mentionnés dans l'Article 15 précédent, la direction des correspondances transmises réciproquement, ainsi que toute autre mesure de détail et d'ordre nécessaire pour assurer l'exécution de la présente Convention.

Det är ock öfverenskommet, att Post-Styrelserne kunna med ömsesidigt begifvande närmare bestämma och efter omständigheterna lämpa de här ofvan gifna detailföreskrifter i alla de fall, der Styrelserne finna sådant af omständigheten påkalladt.

Art. 18. Der i denna Convention nämnes Frankrike, förstås dermed jemväl Algeriet.

Art. 19. Denna Convention, afslutad på obestämd tid, skall, sedan den, efter de särskildte Rikenas lagar, blifvit vederbörligen offentliggjord, träda i verkställighet den förste januari aderton hundra femtiofem.

Den kan icke uphäfvas genom endera af Regeringarne, utan att den andra blifvit derom minst sex månader förut underrättad.

Efter upsägningen och intill slutet af nämnde sex månader, skall Conventionen fortfarande äga full giltighet och densamma jemväl sedermera tjena till efterlefnad för uppgörelse Post-Verken emellan af liquiderne för den tid Conventionen varit gällande.

Il est entendu que les mesures de détail désignées ci-dessus pourront être modifiées par les Administrations respectives toutes les fois que, d'un commun accord, ces Administrations en reconnaitront la nécessité.

Art. 18. Toutes les stipulations de la présente Convention relatives à la France sont également applicables à l'Algérie.

Art. 19. La présente Convention, conclue pour un temps indéterminé, entrera en vigueur le premier janvier mil huit cent cinquante cinq, après que la promulgation en aura été faite d'après les lois particulières à chacun des États respectifs.

Elle demeurera obligatoire jusqu'à ce que l'un des deux Gouvernemens ait annoncé à l'autre, au moins six mois à l'avance, son intention d'en faire cesser l'effet.

Pendant ces derniers six mois, la Convention continuera d'avoir son exécution pleine et entière, sans préjudice de la liquidation et du solde des comptes entre les Administrations respectives pour le temps qu'aura duré la Convention.

Art. 20. Denna Convention skall ratificeras och ratificationerne utvexlas i Stockholm, så snart ske kan.

Till yttermera visso hafva de ömsesidige befullmäktigade Ombuden närvarande Convention i tvänne lika lydande exemplar undertecknat och med sine sigill försett.

Så skedt i Stockholm den förste dagen i september månad, år efter Christi börd ett tusende åtta hundra femtiofyra.

O. W. Stael von Holstein.

(L. S.)

Art. 20. La présente Convention sera ratifiée, et les ratifications en seront échangées à Stockholm aussitôt que faire se pourra.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention en double original et y ont apposé leurs cachets.

Fait à Stockholm le premier jour du mois de septembre de l'an de grâce mil huit cent cinquante quatre.

V^{or} Lobstein.

(L. S.)

Ratificerad i Stockholm den 3 november 1854 och å slottet St Cloud den 5 oktober s. å.

Exchange of Notes between Great Britain and
Sweden-Norway relating to Coasting Trade,
signed at Stockholm, 31 March/4 September 1854

THIS text is reproduced from *Handbook of Commercial Treaties* (4th ed., 1931), p. 484. It is printed also by Rydberg, *Sverges Tractater med Främmande Magter*, vol. XI, p. 284.

ENGLISH TEXT

(No. 1.)

*Mr. Grey to Baron Stierneld.**(Extract.)*

M. le Baron,

Stockholm, March 31, 1854.

His Britannic Majesty's Government having introduced into Parliament a Bill for opening the coasting trade of the United Kingdom to the ships of all nations, they are desirous of calling the attention of foreign Governments to the advantages which may be likely to result to the trading interests of countries with which they are in friendly alliance, from giving to British vessels in foreign ports the same privilege which it is proposed to grant to foreign vessels in British ports.

* * * * *

I am accordingly instructed to invite the Government of His Majesty the King of Sweden and Norway to throw open its coasting trade to the British flag and thus to reciprocate the advantages which its vessels will obtain in British ports.

I avail, &c.

W. G. GREY.

(No. 2.)

*Baron Stierneld to Mr. Magenis.**(Translation.)**(Extract.)*

M. le Ministre,

Stockholm, September 4, 1854.

By a note, dated the 31st March last, Mr. Grey, then British Chargé d'Affaires, called the attention of His Majesty's Government

to the advantages resulting from the admission of foreign vessels to the coasting trade—a system, already established in Great Britain, which His Britannic Majesty invites that of the King to adopt in favour of the British flag.

The matter having been referred to the Departments of the Interior of Sweden and Norway, the King decided on the 15th August last that, so far as Sweden⁽¹⁾ is concerned and so long as the coasting trade between ports of Great Britain remain open to Swedish vessels, British vessels shall enjoy the same advantage in Swedish ports.

As regards Norway,⁽¹⁾ the King likewise decided on the 26th August that foreign vessels should be admitted to the coasting trade between Norwegian ports.

* * * * *

I avail, &c.

STIERNELD.

Application within His Majesty's dominions, &c.

Applicable to the United Kingdom and the Irish Free State.

⁽¹⁾ The Swedish decree was limited to granting the privilege to British vessels only, whereas the Norwegian decree was in favour of all foreign vessels, in both cases subject to reciprocity.

Declarations between Bavaria and the Swiss
Confederation respecting Exemption of
Commercial Travellers from Licence Fees,
signed 16 August/8 September 1854

THIS text is taken from Kaiser, *Sammlung der Eidgenössischen Gesetze
etc.*, vol. IV, p. 198.

GERMAN TEXT

Mit Note vom 16. vorigen Monats macht die königl. bayerische Gesandtschaft dem Bundesrathe die Mittheilung, daß der dießseitige Entwurf zu einer Legitimationsurkunde für Freihaltung von Gewerbs- oder Patentgebühren von Seite Bayerns genehmigt und der sofortige Vollzug der mit mehreren Kantonen der Schweiz getroffenen Uebereinkunft angeordnet worden sei, in der Voraussetzung jedoch, daß von Seite der adhärirenden Stände ein Gleiches geschehen werde.

In Folge dessen hat der Bundesrath, in Berücksichtigung, daß die königl. bayerische Staatsregierung bei Festsetzung der Legitimationsurkunde für dortseitige Handelsreisende den hierseitigen Wünschen und Vorschlägen volle Rechnung getragen hat, die h. Stände Zürich, Bern, Unterwalden (ob und nid dem Wald), Freiburg, Solothurn, Basel (Stadt und Landschaft), Schaffhausen, Appenzell (beide Rhoden), St. Gallen, Aargau, Thurgau, Tessin, Waadt, Neuenburg und Genf mittels Kreisschreibens eingeladen, die geeigneten Anordnungen zu treffen, daß in ihren Kantonen, von jezt an, die bayerischen Handelsreisenden ihren Geschäften nachgehen können, ohne eine Patentabgabe entrichten zu müssen.

Laut Schreiben vom 20. August 1860 der Regierung von Zug an den Bundesrath ist auch jener Stand obiger Uebereinkunft beigetreten

Die erwähnten Legitimationsurkunden für die Freihaltung von Gewerbs- oder Patentgebühren haben nun folgende Fassung:

A. Schweizerisches Formular.

Legitimations-Urkunde

für die

Freilassung von Gewerbs- oder Patentgebühren zu Reisen in Handelsgeschäften im Königreich Bayern.

Gültig für das Jahr 18..

Schweizerische Eidgenossenschaft.

(Wappen.)

Der Inhaber der gegenwärtigen Legitimations-Urkunde

.
 reiset
 behufs Ein- kauf von waaren
 Ver-
 oder

Nach getroffener Uebereinkunft zwischen dem Königreich Bayern und der Schweizerischen Eidgenossenschaft hat derselbe darauf Anspruch, im Königreich Bayern sein Geschäft als Handelsreisender betreiben zu dürfen, ohne dafür irgend einer Patentabgabe unterworfen zu sein, wobei indessen ausdrücklich bestimmt ist, daß er durchaus nicht das Recht erhält, Hausirhandel zu treiben oder Waaren zu sofortiger Abgabe an Käufer mit sich zu führen, sondern nur das Recht zu beliebigen Ankäufen oder zu Dienstanebietungen und Aufnahme von Bestellungen bei solchen Personen, welche die angebotenen Dienste oder Waaren zu ihrem eigenen Geschäftsverkehr bedürfen.

Bern, den 18..

(L. S.) Die schweizerische Bundeskanzlei.

B. Bayerisches Formular.

Legitimations-Urkunde

für die Freilassung von Gewerbs- oder Patentgebühren zu Reisen in
Handelsgeschäften in der Schweiz.

Gültig für das Jahr 18 ..

Patentgebühren sind zu ent-
richten in den Kantonen Lu-
zern, Uri, Schwyz, Glarus,
Graubünden und Wallis.

Königreich Bayern.

(Wappen.)

Der Inhaber der gegenwärtigen Legitimations-
Urkunde von
reiset
behufs Ein- kauf von waaren
Ver- oder

Nach getroffener Uebereinkunft zwischen Bayern
und der schweizerischen Eidgenossenschaft hat derselbe
darauf Anspruch, in den Kantonen Zürich, Bern,
Unterwalden (Ob und Nid dem Wald), Freiburg,
Soleothurn, Basel (Stadt und Landschaft), Schaff-
hausen, Appenzell (beide Rhoden), St. Gallen, Ar-
gau, Thurgau, Tessin, Waadt, Neuenburg und Genf
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bigen Ankäufen, oder zu Dienstanerbietungen und
Aufnahme von Bestellungen bei solchen Personen,
welche die angebotenen Dienste oder Waaren zu ihrem
eigenen Geschäftsverkehre bedürfen.

Beschreibung
des

Reisenden :

Alter,
Größe,
Haare,
Stirne,
Augenbraunen,
Nase,
Mund,
Bart,
Kinn,
Angesicht,
Gesichtsfarbe,
Besondere
Kennzeichen,

Unterschrift
des
Reisenden.

. den 18 ..

(L. S.)

(Fertigung der einschlägigen
f. Paßpolizei- Behörde.)

Declaration between France and Prussia
relative to the Telegraph at Forbach,
signed at Paris, 21 September 1854

THIS text is taken from De Clercq, *Recueil des Traités de la France*, vol. VI, p. 467.

FRENCH TEXT

Les fils télégraphiques français et prussiens se trouvant reliés les uns aux autres entre Forbach et Sarrebruck, le Gouvernement de S. M. l'Empereur des Français et celui de S. M. le Roi de Prusse conviennent d'expédier par cette voie, à dater du 1^{er} octobre prochain et dans les conditions déterminées par le Traité du 4 octobre 1852, les dépêches télégraphiques publiques ou privées que les administrations respectives auraient à échanger directement entre elles.

En foi de quoi, les soussignés ont apposé à la présente déclaration leur signature et le cachet de leurs armes.

Fait à Paris, le 21 septembre 1854.

Le Ministre des Affaires Etran-
gères de S. M. l'Empereur des
Français,

DROUYN DE LHUYS.

L'Envoyé Extraordinaire et Mi-
nistre Plénipotentiaire de S. M.
le Roi de Prusse,

C^{te} DE HATZFELDT.

Slave Trade Treaties between Great Britain
and Mohilla, Comoro and Epe (East Africa),
signed 16, 20, 28 September 1854

THESE instruments are taken from *British and Foreign State Papers*, vol. XLVI, pp. 1065, 1066, vol. XLV, p. 913, being printed also in *Hertslet's Commercial Treaties*, vol. X, pp. 34, 36, 18.

ENGLISH TEXTS

(1.) TREATY between Great Britain and the Queen of Mohilla, relative to the Slave Trade.—Concluded at Fumbani, September 16, 1854.

STATEMENT of the requisition made to Her Majesty the Queen of Mohilla, by William Sunley, Her Britannic Majesty's Consul for the Comoro Islands, and Henry A. Kerr, Esquire, Commander of Her Majesty's sloop *Nerbudda* (acting under the orders of Henry G. Morris, Esquire, Commander of Her Majesty's ship *Hydra*, and Senior Officer of the East Coast of Africa).

1. The Queen to abolish foreign Slave Trade for ever in her dominions.

2. The Queen to order the seizure of all vessels belonging to her subjects found carrying on the foreign slave traffic, and to seize and punish the captain and crew as pirates, and all other vessels bringing slaves to this island to be treated in like manner.

3. The Queen to punish all persons among her subjects serving on board vessels dealing in slaves, who do not give information to the Queen or her Governors that they have been slave-dealing.

4. Vessels having implements of Slave Trade, such as shackles, bolts, handcuffs, chains, whips, branding-irons, on board, to be considered the same as if found actually carrying slaves.

5. The Queen to authorize

AGREEMENT made by the Queen of Mohilla with William Sunley, Esquire, Her Britannic Majesty's Consul for the Comoro Islands, and Henry A. Kerr, Esquire, Commander of Her Majesty's sloop *Nerbudda*. (Translated from the original paper, under the hand and seal of the Queen of Mohilla.)

1. There shall be no dealing in slaves in my country.

2. All my people who deal in slaves shall be punished the same as those who steal men, and other vessels bringing slaves to my country shall be seized.

3. All my people that shall make work on board slave vessels, and all my people that help Slave Trade, shall be punished.

4. Any vessel that has irons or other things for fastening slaves shall be seized the same as vessels that have slaves on board.

5. English men-of-war may

British cruisers to seize all vessels belonging to her subjects that may be found with slaves or slave implements on board, after the expiration of four months from this date.

6. The Queen or her Governors to provide all vessels belonging to her subjects with passes (port clearance); any vessel found without such port-clearance to be seized, according to the 5th requisition, by any British cruiser that may meet them.

7. All vessels seized by British cruisers to be sent to the nearest or most convenient British Vice-Admiralty Court for adjudication. In the event of being condemned, the vessels and cargoes to be sold for the profit of the two Governments, but the slaves set free in a British colony.

8. The Queen to at once proclaim a law, by which the stipulations of this engagements shall be made publicly known to all her people.

Done at Fumbani, Island of Mohilla, in duplicate originals, September 16, 1854.

FOMBEFATOMA EBNTYTOLOTOANI

ABODEREHEMANI, *Queen of Mohilla.*

WM. SUNLEY, *H.B.M.'s Consul for the Comoro Islands.*

H. A. KERR, *Commander H.B.M.'s sloop*

: Witnesses: Nerbudda.

HENRY W. WRIGHT, *Lieutenant, H.B.M.'s sloop Nerbudda.*

CHARLES RICHARDS, *Paymaster, H.B.M.'s sloop Nerbudda.*

(2.) *TREATY between Great Britain and Bonafooma, a principal Chief of Comoro, relative to the Slave Trade.—Concluded at his town, Ytsanda, September 20, 1854.*

STATEMENT of the requisition made to Bonafooma, one of the

seize Mohilla vessels that make trade in slaves.

6. All Mohilla vessels to get passports.

7. Any vessel seized to be sent to an English place to be judged, the slaves let go free, and the ship and cargo sold, one-half to go to the Queen, and one-half to the English Government.

2. The Queen has told this Agreement to all her subjects.

AGREEMENT made by Bonafooma, one of the principal Chiefs of

principal Chiefs of Comoro, by William Sunley, Esquire, Her Britannic Majesty's Consul for the Comoro Islands, and Henry A. Kerr, Esquire, Commander of Her Majesty's sloop *Nerbudda* (acting under the orders of Henry G. Morris, Esquire, Commander of Her Majesty's ship *Hydra*, and Senior Officer of the East Coast of Africa.

1. The Chief to abolish slave trading for ever in his territory.

2. The Chief to order the seizure of all vessels belonging to subjects found carrying on the foreign slave traffic, and to seize and punish the captain and crew as pirates, and all other vessels bringing slaves to his territory to be treated in like manner.

3. The Chief to punish all persons among his subjects serving on board vessels dealing in slaves who do not give information to the Chief that they have been slave dealing.

4. Vessels having implements of Slave Trade, such as shackles, bolts, handcuffs, chains, whips, branding irons, on board, to be considered the same as if found actually carrying slaves.

5. The Chief to authorize British cruizers to seize all vessels belonging to his subjects that may be found with slaves or slave implements on board, after four months from this date.

6. The Chief or Governor to provide all vessels belonging to his subjects with passes (port-clearance); any vessel found without such port-clearance to be seized, according to the 5th

Comoro, with William Sunley, Esquire, Her Britannic Majesty's Consul for the Comoro Islands, and Henry A. Kerr, Esquire, Commander of Her Majesty's sloop *Nerbudda*.

1. There shall be no dealing in slaves in my territory.

2. All my people who deal in slaves shall be punished the same as those who steal men, and other vessels bringing slaves to my territory shall be seized.

3. All my people that make work on board slave vessels, and all my people that help Slave Trade, shall be punished.

4. Any vessel that has irons or other things for fastening slaves, shall be seized the same as vessels that have slaves on board.

5. English men-of-war may seize any of my people's vessels that deal in slaves.

6. All my people's vessels to get passports.

requisition, by any British cruizer that may meet them.

7. All vessels seized by British cruizers to be sent to the nearest or most convenient British Vice-Admiralty Court for adjudication. In the event of being condemned, the vessels and their cargoes to be sold for the profit of the Chief and the English Government, but the slaves to be set free in a British colony.

8. The Chief at once to proclaim a law by which the stipulations of this Agreement shall be made publicly known to all his people.

7. Any vessel seized to be sent to an English place to be judged; the slaves let go free, and the ship and cargo sold; one-half to go to me, and one-half to the English Government.

8. The Chief has told this Agreement to all his people.

Done at Ytsanda, Island of Comoro, in duplicate originals, September 20, 1854.

BONAFOOMA, *Chief of Ytsanda, Island of Comoro.*

WM. SUNLEY, *H.B.M.'s Consul for the Comoro Islands.*

H. A. KERR, *Commander, H.B.M.'s sloop Nerbudda.*

Witnesses :

HENRY W. WRIGHT, *Lieutenant, H.B.M.'s sloop Nerbudda.*

CHARLES RICHARDS, *Paymaster, H.B.M.'s sloop Nerbudda.*

AGREEMENT with Chiefs of *Epe*.—Signed, September 28,
1854.

Agreement entered into this 28th day of September, 1854, between Kosoko, his Cabooceers and Chiefs, and Benjamin Campbell, Esq., Her Britannic Majesty's Consul for the Bight of Benin, and Thomas Miller, Esq., Commander of Her Majesty's sloop Crane, Senior Officer in the Bights of Benin and Biafra.

ART. I. Kosoko, his Cabooceers and Chiefs, solemnly pledge themselves to make no attempt to regain possession of Lagos, either by threats, hostilities, or stratagem.

II. Kosoko, his Cabooceers and Chiefs, claim Palma as their port of trade, and Benjamin Campbell, Esquire, Her Britannic Majesty's Consul, and Thomas Miller, Esquire, Commander and Senior Naval Officer in the Bights, engage to recognise Palma as the port of Kosoko, his Cabooceers and Chiefs, for all purposes of legitimate trade.

III. Kosoko, his Cabooceers and Chiefs, do most solemnly pledge themselves to abandon the Slave Trade, that is, the export of slaves from Africa; also not to allow any slave-trader to reside at their port, or at any other place within their jurisdiction and influence.

IV. Kosoko, his Cabooceers and Chiefs, solemnly bind themselves to give every protection and assistance to such merchants and traders as may wish to reside among them for the purpose of carrying on legitimate trade; also to assist Her Britannic Majesty's Consul to re-open the markets on the Jaboo shore, viz., Agiensee, Ecorodo, and Abayee, and in maintaining order and security at those markets.

V. There shall be levied at the port of Palma an export duty of 1 head of cowries for every puncheon of palm oil, of the average size of 120 gallons, and 2 strings of cowries per lb. on all ivory exported from the above port, for the benefit of Kosoko.

VI. Benjamin Campbell, Esquire, Her Britannic Majesty's Consul, engages on behalf of Her Majesty's Government, that for the due and faithful performance of this engagement on the part of

Kosoko, his Cabooceers and Chiefs, there shall be paid to Kosoko by Her Majesty's Government an annual allowance for his life of 2,000 heads of cowries, or 1,000 dollars at his option.

VII. This engagement to have full force and effect from this day, and until annulled by Her Britannic Majesty's Government.

his
KOSOKO ✂
mark.

[Signed by 15 Cabooceers and Chiefs.]

B. CAMPBELL, *H.B.M. Consul for the Bight of Benin.*

THOS. MILLER, *Commander, H.M. sloop Crane, and
Senior Officer of the Bights of Benin and Biafra.*

In the presence of:

HERBERT L. RYVES, *Lieut.-Commander, Minx.*

W. P. BRAUND, *Master, H.M. sloop Crane.*

FRANCIS WM. DAVIS, *Assistant-Surgeon, Minx.*

GEO. BATT. SCALA, *Merchant of Lagos.*

W. R. HANSEN, *Merchant of Lagos.*

JOSE PEDRO DA COUSTA ROY, *Merchant of Lagos.*

S. B. WILLIAMS, *Merchant of Lagos and Interpreter.*

Convention between France and Haiti for the
Repayment of the Loan of 1825,
signed at Paris, 1 October 1854

THERE is here reproduced from *British and Foreign State Papers*, vol. XLIV, p. 1075, the Imperial decree promulgating the Convention, which is printed also by De Clercq, *Recueil des Traités de la France*, vol. VI, p. 469, and Martens et de Cussy, *Recueil Manuel et Pratique des Traités*, vol. VII, p. 345.

FRENCH TEXT

DECRET Impérial, portant promulgation de la Convention conclue le 1 Octobre, 1854, entre la France et Haïti, relative au Remboursement de l'Emprunt de 1825.—Paris, le 20 Décembre, 1854.

NAPOLEON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut.

Sur le rapport de notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères,

Avons décrété et décrétons ce qui suit :

ART. I. Une Convention ayant été signée, le 1 Octobre, 1854, entre la France et Haïti, relativement au remboursement de l'emprunt contracté par cet Etat en 1825, et les ratifications respectives

de cet acte ayant été échangées le 18 du présent mois de Décembre, ladite Convention, dont la teneur suit, recevra sa pleine et entière exécution.

CONVENTION.

Sa Majesté l'Empereur des Français et Sa Majesté l'Empereur d'Haïti, considérant que la Convention conclue, le 12 Février, 1848, entre le Président de la République d'Haïti, représenté par le Ministre résident de ladite République près le Gouvernement Français, d'une part, et d'autre part, un comité stipulant au nom des porteurs de titres de l'emprunt contracté par elle à Paris, en l'année 1825, a donné lieu dans son exécution à des divergences d'interprétation et des difficultés qu'il importe d'écarter pour l'avenir ;

Ont résolu d'assurer, par une nouvelle et définitive Convention, le service régulier des intérêts dudit emprunt, et la reprise interrompue de son amortissement ;

A cet effet, ont nommé pour leurs Plénipotentiaires,

Sa Majesté l'Empereur des Français, M. Jean-François-Maxime Raybaud, Commandeur de l'Ordre Impérial de la Légion d'Honneur, &c., son Chargé d'Affaires et Consul-Général près le Gouvernement Haïtien ;

Sa Majesté l'Empereur d'Haïti, M. le Baron Pierre-François-Tibère Toussaint, Sénateur, &c., et M. le Baron Auguste-François Nau, Intendant des Finances, &c.

Lesquels, après avoir échangé leur pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. La Convention conclue à Paris, le 12 Février, 1848, est nulle et non avenue, depuis le 1 Janvier, 1854.

II. Le Gouvernement Haïtien soldera, par l'entremise de son agent à Paris, le reste des intérêts de 1853, dans le délai de 6 mois, et la totalité des intérêts de l'année courante, avant l'expiration de 1855.

III. A partir du 1 Janvier, 1855, il prélèvera annuellement, sur l'ensemble de ses ressources, autres que celles affectées au service de l'indemnité par le Traité du 15 Mai, 1847, la somme de 800,000 francs, applicable à l'acquit subséquent des intérêts et à l'amortissement de l'emprunt, dans la forme qui sera indiquée par l'Article VII.

IV. Cette somme sera remise en traites, au Consul Général de France à Port-au-Prince, par quarts de 200,000 francs, dans la quinzaine qui suivra l'expiration de chaque trimestre.

V. Ces traites, payables soit à Paris, soit à Londres, devront être souscrites ou passées par M. le Ministre des Finances de Haïti, à l'ordre de M. le Ministre des Finances de France, et leur échéance n'excédera pas 90 jours de vue.

VI. S'il y avait, ultérieurement, nécessité absolue ou convenance réciproque, à déroger au mode de versement spécifié dans les 2 Articles qui précèdent, cette dérogation pourrait avoir lieu du consentement des Parties Contractantes et d'un common accord, les époques desdits versements restant les mêmes.

VII. La répartition des annuités aux ayants droit aura lieu dans l'ordre suivant :

1° Paiement, semestre par semestre, à raison de 3 pour cent par an, des derniers intérêts échus :

2°. Acquit annuel, et jusqu'à extinction, de 6 mois des intérêts arriérés de 1844, 1845, 1846, 1847, et 1848, soit pendant 10 ans ;

3°. Application de l'excédant à l'amortissement d'un nombre correspondant d'actions, par voie de tirage au sort.

VIII. Les tirages auront lieu publiquement en France, en présence d'un agent désigné par M. le Ministre des Affaires Etrangères et de l'agent du Gouvernement Haïtien. Le procès-verbal de cette opération indiquant les numéros des obligations sorties sera publié dans le Moniteur Universel et 3 autres des principaux journaux de Paris.

IX. Les actions de l'emprunt non amorties seront, à la diligence du Gouvernement Haïtien, remplacées par de nouveaux titres avant répartition d'aucune somme appartenant à l'annuité 1855.

X. Cette Convention sera ratifiée conformément aux constitutions respectives des 2 pays, et les ratifications en seront échangées, à Paris, dans le délai de 3 mois, et plus tôt, si faire se peut.

En foi de quoi, les Plénipotentiaires l'ont signée et munie de leurs cachets respectifs.

Fait à Port-au-Prince, le 1 Octobre, 1854.

(L.S.) MAXIME RAYBAUD.

(L.S.) TIBERE TOUSSAINT.

(L.S.) BARON F. NAU.

II. Notre garde des sceaux, Ministre et Secrétaire d'Etat au Département de la Justice, et nos Ministres et Secrétares d'Etat aux Départements des Affaires Etrangères et des Finances sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret.

Fait à Paris, le 20 Décembre, 1854.

Par l'Empereur :

NAPOLEON.

Le Ministre des Affaires Etrangères, DROUYN DE LHOYS.

Treaty of Friendship, Commerce and
Navigation between Chile and Great Britain,
signed at Santiago, 4 October 1854

THIS Treaty, which terminated on its denunciation by Chile on 3 September 1895, is reproduced from *British and Foreign State Papers*, vol. XLIV, p. 47 in both the English and the Spanish texts. The Treaty is printed also in *Parliamentary Papers*, 1856, vol. LXI, p. 159; *Hertslet's Commercial Treaties*, vol. IX, p. 948; by Martens, *Nouveau Recueil Général*, vol. XVI, p. 504, and Montes, *Recopilación de Tratados de Chile*, vol. I, p. 194.

ENGLISH / SPANISH TEXTS

[Ratifications exchanged at Santiago, November 29, 1855.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Chile, being desirous to maintain and improve the relations of good understanding which happily subsist between them, and to promote the commercial intercourse between their respective subjects and citizens, have deemed it expedient to conclude a Treaty of Friendship, Commerce, and Navigation, and have for that purpose named as their respective Plenipotentiaries, that is to say:

LA República de Chile y Su Magestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, deseando mantener y fomentar la buena inteligencia que felizmente existe entre ellas, y promover el comercio entre sus respectivos ciudadanos y súbditos, han juzgado conveniente celebrar un Tratado de Amistad, Comercio, y Navegacion, y con este objeto han nombrado sus respectivos Plenipotenciarios, á saber:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable Edward Alfred John Harris, a Captain in Her Royal Navy, Her Majesty's Chargé d'Affaires to the Republic of Chile;

And His Excellency the President of the Republic of Chile, Don Carlos Bello;

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following Articles:

ART. I. There shall be perpetual friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, and the Republic of Chile, and between their respective subjects and citizens.

II. There shall be between all the dominions of Her Britannic Majesty and the territories of the Republic of Chile, a reciprocal freedom of commerce. The subjects and citizens of each of the 2 countries respectively shall have liberty freely and securely to come, with their ships and cargoes, to all places, ports, and rivers in the territories of the other, where trade with other nations is permitted. They may remain and reside in any part of the said territories respectively, and hire and occupy houses and warehouses, and may trade, by wholesale or retail, in all kinds of produce, manufactures, and merchandize of lawful commerce; and shall enjoy the same protection and security in their per-

Su Excelencia el Presidente de la República de Chile, á Don Carlos Bello;

Y Su Magestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, ál Honorable Eduardo Alfredo Juan Harris, Capitan de Su Real Armada, y Su Encargado de Negocios cerca de la República de Chile;

Los que, habiendose comunicado sus respectivos plenos poderes, y hallandolos en buena y debida forma, han convenido en los Artículos siguientes:

ART. I. Habrá amistad perpetua entre la República de Chile y Su Magestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, sus herederos y sucesores, y entre sus respectivos ciudadanos y súbditos.

II. Habrá reciproca libertad de comercio entre todos los territorios de la República de Chile y los dominios de Su Magestad Británica. Los ciudadanos y súbditos de ambos paises respectivamente podrán libremente y con seguridad entrar, con sus buques y cargamentos, en todos los lugares, puertos, y rios de los territorios del otro, en que se permite el comercio con otras naciones. Podrán permanecer y residir en cualquier punto de dichos territorios respectivamente, alquilar y ocupar casas y almacenes, y traficar por mayor ó menor en toda clase de producciones, manufacturas y mercaderias de licito comercio; y gozarán de la misma proteccion y seguridad en sus personas y propie-

sons and property, and in the exercise of their industry and commerce, as may be enjoyed by native subjects and citizens according to the laws of the respective countries.

In like manner, the ships-of-war and Post-office packets of each Contracting Party, respectively, shall have liberty to enter into all harbours, rivers, and places within the territories of the other, to which the ships-of-war and packets of other nations are or may be permitted to come; to anchor there, and to remain and refit; subject always to the laws and regulations of the 2 countries respectively.

III. No other or higher duties shall be imposed on the importation into the dominions of Her Britannic Majesty, of any article the growth, produce, or manufacture of the Republic of Chile; and no other or higher duties shall be imposed on the importation into the territories of the Republic of Chile, of any article the growth, produce, or manufacture of Her Britannic Majesty's dominions, than are or shall be payable on the like article the growth, produce, or manufacture of any other foreign country. Nor shall any other or higher duties or charges be imposed in the dominions or territories of either of the Contracting Parties, on the exportation of any article to the dominions or territories of the other, than such as are or may be payable on the exportation of the like article

dades, y en el ejercicio de su industria ó comercio, que la que gozaren los ciudadanos y súbditos naturales segun las leyes de los respectivos paises.

De la misma manera, los buques de guerra y buques de correos ó paquebotes de cada Parte Contratante respectivamente, podrán entrar en todos los puertos, rios, y lugares de los territorios de la otra en qué se permite ó permittiere entrar á los buques de guerra y buques correos de otras naciones; y podrán fondear, permanecer, y repararse en ellos; sujetos siempre á las leyes y reglamentos de cada pais respectivamente.

III. No se impondrán otros ó mas altos derechos á la importacion en los territorios de la República de Chile, de cualquier articulo, produccion, ó manufactura de los dominios de Su Majestad Británica, ni se impondrán otros ó mas altos derechos á la importacion en los dominios de Su Majestad Británica, de cualquier articulo, produccion, ó manufactura de la República de Chile, que los que se pagan ó pagaren por el mismo articulo, produccion, ó manufactura de cualquier otro pais extranjero. Ni se impondrán otros ó mas altos derechos ó gravámenes en los territorios ó dominios de cualquiera de las Partes Contratantes, á la exportacion de cualquier articulo para los territorios ó dominios de la otra, que los que se pagan ó pagaren por la exportacion del mismo articulo para

to any other foreign country. No prohibition shall be imposed upon the importation of any article the growth, produce, or manufacture of the territories of either of the 2 Contracting Parties into the territories of the other, which shall not equally extend to the importation of the like articles being the growth, produce, or manufacture of any other country; nor shall any prohibition be imposed on the exportation of any article from the territories of either of the 2 Contracting Parties to the territories of the other, which shall not equally extend to the exportation of the like article to the territories of all other nations.

IV. No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties, of whatever nature or under whatever denomination, levied in the name or for the profit of the Government, public functionaries, corporations, or establishments of whatever kind, shall be imposed in the ports of either country upon the vessels of the other country, from whatever port or place arriving, which shall not be equally imposed in the like cases on national vessels; and in neither country shall any duty, charge, restriction, or prohibition be imposed upon goods imported into or exported from one country in vessels of the other, which shall not equally be imposed upon such goods when so imported or exported in national vessels. In like manner, the same drawbacks, bounties,

cualquier otro pais extranjero. No se prohibirá la importacion de cualquier articulo, produccion, ó manufactura de los territorios de cada una de las 2 Partes Contratantes, en los territorios de la otra, si igualmente no se hiciere extensiva dicha prohibicion á la importacion de los mismos articulos, produccion ó manufactura de cualquier otro pais. Ni se prohibirá la exportacion de cualquier articulo de los territorios de cada una de las 2 Partes Contratantes á los territorios de la otra, si igualmente no se hiciere extensiva dicha prohibicion á la exportacion del mismo articulo para los territorios de todas las otras naciones.

IV. No se impondrán en los puertos de cada uno de los paises, á los buques del otro, cualquiera que sea el lugar de su procedencia, derecho alguno por razon de toneladas, puerto, faro, pilotage, cuarentena, ú otros semejantes ó correspondientes de cualquiera naturaleza ó denominacion, sea que se exijan á nombre y en beneficio del Gobierno, ó de algun funcionario público, corporacion, ó establecimiento de cualquiera clase, si igualmente no se impusiere á los buques nacionales en los mismos casos; y en ninguno de los dos paises se impondrá derecho, gravamen, restriccion, ó prohibicion á las mercaderias importadas ó exportadas de uno de ellos en buques del otro, si á ellos no estuvieren igualmente sujetos tales mercaderias importadas ó exportadas en buques nacionales. De la misma manera, las rebajas,

exemptions, or concessions which may be granted upon goods imported or exported in national vessels, shall be understood to be granted on the importation or exportation in the vessels of each of the 2 countries, respectively.

V. The same duties shall be paid on the importation of any article which is or may be legally importable into the territories of the Republic of Chile, whether such importation shall be in Chilian or in British vessels; and the same duties shall be paid on the importation of any article which is or may be legally importable into the dominions of Her Britannic Majesty, whether such importation shall be in British or in Chilian vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any article which is or may be legally exportable from the Republic of Chile, whether such exportation shall be in Chilian or in British vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any article which is or may be legally exportable from Her Britannic Majesty's dominions, whether such exportation shall be in British or in Chilian vessels.

VI. All vessels which according to the laws of Great Britain are to be deemed British vessels, and all vessels which according to the laws of the Republic of Chile are to be deemed Chilian

primas, exenciones ó concesiones que se otorgaren á las mercaderías importadas ó exportadas por buques nacionales, se entenderán otorgadas á la importacion ó exportacion por buques de cada uno de los 2 países respectivamente.

V. Los mismos derechos se pagarán por la importacion de cualquier articulo que es ó puede ser legalmente importado en los territorios de la República de Chile, ya se haga dicha importacion en buques Chilenos ó Británicos; y los mismos derechos se pagarán por la importacion de cualquier articulo que es ó puede ser legalmente importado en los dominios de Su Magestad Británica, ya se haga dicha importacion en buques Británicos ó Chilenos. Los mismos derechos se pagarán, y las mismas primas y rebajas se concederán, á la exportacion de cualquier articulo que es ó puede ser legalmente exportado de la República de Chile, ya se haga tal exportacion en buques Chilenos ó Británicos; y los mismos derechos se pagarán, y las mismas primas y rebajas se concederán, á la exportacion de cualquier articulo que es ó puede ser legalmente exportado de los dominios de Su Magestad Británica, ya se haga dicha exportacion en buques Británicos ó Chilenos.

VI. Todos los buques que en conformidad á las leyes de la República de Chile deben reputarse como buques Chilenos, y todos los buques que en conformidad á las leyes de la Gran

vessels, shall, for the purposes of this Treaty, be deemed British vessels and Chilian vessels respectively.

VII. All merchants, commanders of ships, and others, the subjects and citizens of either of the High Contracting Parties, shall have full liberty, in all the territories of the other, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, agent, factor, or interpreter; and they shall not be obliged to employ any other persons than those employed by native subjects or citizens, nor to pay to such persons as they shall think fit to employ, any higher salary or remuneration than such as is paid in like cases by native subjects or citizens. They shall be at liberty to buy from and to sell to whom they like, and absolute freedom shall be allowed in all cases to the buyer and seller, to bargain and to fix the price of any goods, wares, or merchandize of licit traffic, imported into or exported from the territories of either of the High Contracting Parties, respectively, as they shall see good, observing the laws and established customs of the country.

VIII. The subjects and citizens of either of the High Contracting Parties, in the territories of the other, shall receive and enjoy the same full and perfect protection for their persons and property which is dispensed to native subjects and citizens, and

Bretaña deben reputarse buques Británicos, se reputarán, para los fines de este Tratado, buques Chilenos y buques Británicos respectivamente.

VII. Los comerciantes, capitanes de buques, y demas ciudadanos y súbditos de cada una de las Altas Partes Contratantes, tendrán plena libertad, en todos los territorios de la otra, para manejar por si sus negocios, ó encomendarlos á la persona que quieren, en calidad de corredor, agente, factór, ó intérprete; y no estarán obligados á emplear otras personas que las que emplearen los ciudadanos ó súbditos naturales, ni á pagarles mayor salario ó remuneracion que él que en iguales casos pagan los ciudadanos ó súbditos naturales. Podrán comprar y vender á quien quieran, y se concederá en todos casos absoluta libertad al comprador y vendedor para ajustar y fijar el precio de cualesquier articulos, jeneros, ó mercaderias de licito comercio, importados ó exportados de los territorios de las Altas Partes Contratantes respectivamente, segun lo tuvieren á bien, sujetandose á las leyes y usos establecidos del pais.

VIII. Los ciudadanos y súbditos de cada una de las Altas Partes Contratantes, en los territorios de la otra, gozarán en sus personas y propiedades, de la misma plena y entera proteccion que se despensa á los ciudadanos y súbditos naturales, y

shall have free and open access to the courts of justice in the said countries respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ, in all cases, the advocates, attorneys, or lawful agents of whatever description, whom they may think proper, and they shall enjoy in this respect the same rights and privileges as native subjects and citizens.

IX. In whatever relates to the police of the ports, the lading and unlading of ships, the warehousing and safety of merchandize, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, or testament, or in any other manner whatsoever, as also with regard to the administration of justice, the subjects and citizens of each Contracting Party shall enjoy, in the dominions and territories of the other, the same privileges, liberties, and rights as native subjects and citizens; and shall not be charged, in any of these respects, with any other or higher imposts or duties than those which are or may be paid by native subjects or citizens; subject always to the local laws and regulations of such dominions or territories.

X. If any subject or citizen of either of the High Contracting Parties should die in the dominions or territories of the other without will or testament, and if no person should present himself,

tendrán libre y expedito acceso á los tribunales de justicia de dichos países para la prosecucion y defensa de sus justos derechos; y podrán emplear en todos casos los abogados, procuradores, ó agentes legales de cualquiera clase que juzgan conveniente, y á este respecto gozarán de los mismos derechos y privilegios que los ciudadanos y súbditos naturales.

IX. En todo lo concerniente á la policia de los puertos, carga y descarga de buques, deposito y seguridad de mercaderias, jeneros, y efectos, sucesion de bienes muebles por testamento ó de otra manera, y la disposicion de cualquiera propiedad mueble por venta, donacion, permuta, ó testamento, ó de otro modo cualquiera, asi como respecto á la administracion de justicia, los ciudadanos y súbditos de cada una de las Partes Contratantes gozarán, en los territorios y dominios de la otra, los mismos privilegios, franquicias, y derechos que los ciudadanos y súbditos naturales; y no serán gravados en tales casos con otros ó mas altos impuestos ó derechos que los que pagan ó pagaren los ciudadanos ó súbditos naturales; sujetandose siempre á las leyes y reglamentos locales de dichos territorios ó dominios.

X. Si algun ciudadano ó súbdito de una de las Altas Partes Contratantes muriere en los territorios ó dominios de la otra sin haber otorgado testamento ú otra última voluntad, y no se presen-

who, according to the laws of the country in which the death may have taken place, is lawfully entitled to succeed to him, the Consul-General, Consul, or Vice-Consul of the nation to which the deceased may belong, shall, so far as the laws of the country may permit, be the lawful representative of such of his countrymen as may have an interest in the succession; and the Consul shall, as such representative, exercise, in as far as the laws of each country may permit, all the rights which the person so lawfully entitled to succeed to the deceased could exercise, with the exception of the right to receive money or effects, to do which a special order shall always be necessary; the said money or effects being in the meantime deposited in the hands of a person to the satisfaction of the local authorities and the Consul. If the succession should be real estate, in this case the rights of the persons interested shall be regulated by what the laws of each country ordains respecting foreigners.

XI. The subjects of Her Britannic Majesty residing in the Republic of Chile, and the citizens of the Republic of Chile residing in the dominions of Her Britannic Majesty, shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans, or military exactions or requisitions; and they shall not be compelled, under any pretext whatsoever, to pay any ordinary charges, requisitions, or

tare persona alguna que, segun las leyes del pais en que haya acontecido la muerte, tenga derecho á sucederle, el Cónsul-General, Cónsul, ó Vice-Cónsul de la nacion á que haya pertenecido el difunto, será, en cuanto lo permitan las leyes del pais, el representante legal de aquellos de sus conciudadanos que tengan interes en la sucesion; y como tal representante ejercerá el Cónsul, en cuanto lo permitan las leyes de cada pais, todos los derechos que corresponderian á las personas llamadas por la lei á suceder al difunto, exceptuando él de recibir los dineros ó efectos, para lo que necesitará siempre de autorizacion especial, depositandose mientras tanto dichos dineros ó efectos en poder de una persona á satisfaccion de las autoridades locales y del Cónsul. Si la sucesion consistiere en bienes raices, los derechos de los interesados se arreglarán por lo que dispongan las leyes de cada pais respecto á extrangeros.

XI. Los ciudadanos de la República de Chile residentes en los dominios de Su Magestad Británica, y los súbditos de Su Magestad Británica residentes en la República de Chile, estarán exentos de todo servicio militar compulsorio, sea en tierra ó por mar, y de todo prestamo forzado, ó exaccion ó requisicion militar; y no podrán ser obligados á pagar, bajo pretexto alguno, otras ó mas altas cargas, requisiciones, ó impuestos que los que pagan ó pa-

taxes, other or higher than those that are or may be paid by native subjects or citizens.

It is understood that the differential duty denominated "de patente," and which is charged in Chile to foreign merchants and shopkeepers, is not abolished by the stipulations in the first part of this Article. The subjects of Her Britannic Majesty shall in this respect be placed upon the footing of the most favoured foreign nation.

The subjects of Her Britannic Majesty who, according to the present existing laws of the Republic of Chile, and whilst they exist, may acquire and hold real estate of every kind, shall enjoy with respect to the said property the same rights as the citizens of the Republic of Chile in like cases, and shall be subject to the same charges and imposts as the Chilean citizens, holders of real estate.

XII. It shall be free for each of the 2 Contracting Parties to appoint Consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the Contracting Parties may except from the residence of Consuls such particular places as either of them may judge fit to be excepted. The Diplomatic Agents and Consuls of each of the 2 High Contracting Parties in the dominions or territories of

garen los ciudadanos ó súbditos naturales.

Bien entendido que el derecho diferencial denominated "de patente," que se cobra en Chile á los comerciantes y tenderos extranjeros, no queda abolido por lo estipulado en la primera parte de este Artículo. Los súbditos de Su Magestad Británica quedarán á este respecto en el mismo pie que los de la nacion extranjera mas favorecida.

Los súbditos de Su Magestad Británica, que, en conformidad á las leyes actualmente vigentes de la República de Chile, y mientras ellas subsistan, adquieran y conservan bienes raices de cualquiera clase, gozarán con respecto á dicha propiedad los mismos derechos que los ciudadanos de la República de Chile en iguales casos, y estarán sujetos á las mismas cargas é impuestos que los ciudadanos Chilenos poseedores de bienes raices.

XII. Cada una de las 2 Partes Contratantes podrá nombrar, para la proteccion de su comercio, Cónsules que residan en los territorios ó dominios de la otra; pero antes que cualquier Cónsul entre á ejercer su cargo, deberá ser aprobado y admitido en la forma de estilo por el Gobierno del Estado en que va á funcionar. Las Partes Contratantes pueden exceptuar de la residencia de los Cónsules aquellos lugares particulares que juzguen conveniente. Los Agentes Diplomáticos y Consulares de cada una de las Altas Partes Contratantes gozarán en

the other, shall enjoy whatever privileges, exemptions, and immunities, are or shall be granted there to Agents of the same rank belonging to the most favoured nation.

XIII. It is agreed and covenanted between the High Contracting Parties, that they will afford every aid consistent with the laws of their respective countries for the apprehension and surrender of deserters from the naval and military or from the merchant service of either country, on application being made to that effect by the Consul of the party concerned, and on it being proved by the register of the vessel, the list of the crew, or other similar documents, that the said deserters formed part of the crew of the said vessel, and that they had deserted from vessels in the ports, coasts, or waters of the country before whose authorities they are claimed.

With respect to the detention of deserters in the public prisons, and the time they ought to remain under the control of the local authorities, when apprehended, in order that they may be placed at the disposal of the Consul who claims them, and be sent on board vessels of their nation, the rules established by the laws of each country respectively shall be observed; and during such time as there shall be no special laws enacted on this subject in the Republic of Chile, the local authorities shall grant in this respect the same

los territorios ó dominios de la otra de todos los privilegios, exenciones, é inmunidades de que gozan ó gozaren en ellos los Agentes de la misma clase de la nacion mas favorecida.

XIII. Se ha convenido y estipulado por las Altas Partes Contratantes que se prestará, por las autoridades locales competentes de los respectivos paises, todo el auxilio que sea conforme á sus leyes para la aprehension y entrega de desertores del servicio naval, militar, ó de la marina mercante, siempre que dichas autoridades sean requeridas con este objeto por el Cónsul de la nacion á que pertenece el desertor, y se comprobare por el registro de los buques, rol de la tripulacion, ú otros documentos semejantes, que dichos desértorez eran parte de la tripulacion de tales buques, y que han desertado de buques que se hallaban en los puertos, costas, ó aguas del pais ante cuyas autoridades se reclaman.

En orden á la detencion de desertores en las prisiones públicas, y al tiempo que deban permanecer bajo la accion de las autoridades locales, una vez aprehendidos, para ser entregados á la disposicion del Cónsul que los reclamare y remetidos á buques de su nacion, se observarán las reglas que establecieren las leyes de cada pais respectivamente; y mientras en la República de Chile no se dictaren leyes especiales sobre la materia, las autoridades locales concederán á este respecto la misma co-operacion que en casos seme-

co-operation which in like cases is afforded by the British authorities according to the laws of Great Britain.

And it is further agreed, that any other favour or facility with respect to the recovery of deserters which either of the Contracting Parties has granted, or may hereafter grant, to any other State, shall also be granted to the other Contracting Party in the same manner as if such favour or facility had been expressly stipulated by the present Treaty.

XIV. For the better security of commerce between the subjects and citizens of the 2 High Contracting Parties, it is agreed that if at any time any rupture or any interruption of friendly intercourse should unfortunately take place between the 2 Contracting Parties, the subjects or citizens of either of them, established in the territories of the other, who may reside upon the coasts, shall be allowed 6 months, and those who may reside in the interior a whole year, to wind up their accounts and to dispose of their property; and a safe-conduct shall be given to them to embark at the port which they themselves shall select. The subjects or citizens of the 2 Contracting Parties who may be established in the dominions or territories of the other, in the exercise of any trade or other occupation or employment, shall be allowed to remain and continue in the exercise of the said trade or occupation, notwith-

jantes concedan las autoridades Británicas segun las leyes de la Gran Bretaña.

Han convenido además en que cualquier otro favor ó concesion que respecto al recobro de desertores hayan hecho, ó en lo sucesivo hicieren, ambas Partes Contratantes á cualquier otro Estado, será concedido tambien á la otrá Parte Contratante, como si tal favor ó concesion se hubiere estipulado en el presente Tratado.

XIV. Para la mayor seguridad del comercio entre los ciudadanos y súbditos de las 2 Altas Partes Contratantes, se conviene en que, si desgraciadamente en algun tiempo tuviere lugar un rompimiento ó interrupcion de las relaciones de amistad entre las 2 Partes Contratantes, los ciudadanos ó súbditos de cada una de ellas establecidos en los territorios de la otra que residieren en la costa, gozarán de 6 meses, y los que residieren en el interior de un año completo, para arreglar sus cuentas y disponer de sus bienes; y se les dará un salvo-conducto para que se embarquen en el puerto que ellos mismos eligieren. Los ciudadanos ó súbditos de cualquiera de las 2 Partes Contratantes que en los territorios ó dominios de la otra se hallen establecidos ejerciendo el comercio ó cualquiera otra ocupacion ó destino, podrán permanecer y continuar en dicho comercio ú ocupacion no obstante el rompimiento de la amistad

standing the interruption of friendship between the 2 countries, in the free enjoyment of their personal liberty and property, so long as they behave peaceably and observe the laws; and their goods and effects, of whatever description they may be, whether in their own custody, or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native subjects or citizens. In the same case, debts between individuals, public funds, and the shares of companies, shall never be confiscated, sequestered, or detained.

XV. The subjects or citizens of either of the 2 Contracting Parties residing in the territories of the other, shall not be molested, persecuted, or annoyed on account of their religion, but shall have perfect and entire liberty of conscience therein; nor shall they on this account fail to enjoy, in their persons and property, the same protection which is extended to native subjects and citizens.

If in the city, town, or district, where the subjects or citizens of either of the Contracting Parties may reside, there shall not have been established cemeteries for the burial of those of their religious belief, they may, with the consent of the superior local authority, and in the place selected with the approbation

entre ambos países, y en el libre goce de su libertad personal y de su propiedad, mientras se conduzcan pacíficamente y observan las leyes; y sus bienes ó efectos, cualquiera que sean, ya esten en su poder ó en él de otros individuos ó del Estado, no estarán sujetos á embargo ó secuestro, ni á otros gravámenes ó exacciones que aquellos que se exigen sobre iguales efectos ó propiedades pertenecientes á ciudadanos ó súbditos naturales. En el mismo caso, ni las deudas entre particulares, ni los fondos públicos, ni las acciones de compañías, estarán sujetos á confiscacion, secuestro, ó embargo.

XV. Los ciudadanos ó súbditos de cada una de las 2 Partes Contratantes residentes en los territorios de la otra no serán molestados, perseguidos, ó inquietados por causa de su creencia religiosa, sino que gozarán en ellos perfecta y entera libertad de conciencia; ni por este motivo dejarán de gozar en sus personas y propiedades la misma protección que se despensa á los ciudadanos y súbditos naturales.

Si en la ciudad, villa, ó distrito en que residan los ciudadanos ó súbditos de cada una de las Partes Contratantes, no hubiere cementerio establecido para el entierro de los de su creencia religiosa, podrán, con el consentimiento de las autoridades locales superiores, y en el lugar eligido con aprobacion de dichas

of that authority, establish a cemetery. This cemetery, and the burials which may take place in it, shall be subject to the police regulations which the civil authorities of either country may dictate.

XVI. If any ship-of-war or merchant-vessel of either of the High Contracting Parties should be wrecked on the coasts of the other, such ship or vessel, or any part thereof, and all furniture appurtenances belonging thereto, and all goods and merchandize which may be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the proprietors, upon being claimed by them or by their duly authorized agents; and if there are no such proprietors or agents on the spot, then the said goods and merchandize, or the proceeds thereof, shall, as well as all the papers found on board such wrecked vessel or ship, be delivered to the British or Chilian Consul in whose district the wreck may have taken place: and such Consul, proprietors, or agents, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable in the like case of a wreck of a national vessel. The goods and merchandize saved from the wreck shall not be subject to duties unless cleared for consumption.

XVII. When in case of war, and in order to protect the interests of the State seriously compromised, the welfare of the country

autoridades, establecer un cementerio. Este cementerio, y los entierros que se hagan en él, se sujetarán á las reglas de policia que las autoridades civiles de uno ú otro pais dictaren respectivamente.

XVI. Si un buque de guerra ó mercante de cualquiera de las Altas Partes Contratantes naufragare en las costas de la otra, dicho buque, ó cualquiera parte de él, y todos sus aparejos y pertenencias, y todos los articulos y mercaderias que se salvaren de él, ó su producto si se vendieren, serán entregados fielmente á sus dueños, cuando los reclamen por si, ó por medio de sus agentes debidamente autorizados; y si no hubiere dueño ó agente en aquel punto, en tal caso dichos articulos ó mercaderias, ó su producto, asi como los papelas hallados abordo de dicho buque naufragado, serán entregados al Cónsul Chileno ó Britanico en cuyo distrito haya tenido lugar el naufragio; y dicho Cónsul, dueños, ó agentes, pagarán unicamente los gastos hechos para la preservacion de la propiedad, junto con el derecho de salvamento que se hubiere pagado en igual caso de naufragio de un buque nacional. Los articulos y mercaderias salvadas del naufragio no estarán sujetós á derechos, á no ser que se internen para el consumo.

XVII. Cuando en caso de guerra, y por exigirlo imperiosamente el interes del Estado seriamente comprometido, se dictare

may render indispensable an embargo or general closing of the ports by either of the 2 Contracting Parties, it is stipulated that if the embargo or closing of the ports does not exceed 6 days, the merchant vessels which may have been included in this measure shall not claim any indemnity on account of lay days or prejudice to their interests; but if the detention should be more than 6 days, and does not exceed 12, the Government which may have laid on the embargo or closing of the ports, shall be obliged to refund to the masters of the vessels detained, as an indemnity, the amount of expenses arising from the wages and support of their crews for the time they may have been forced to remain, counting from the 7th day. If circumstances of a very exceptional gravity should render it necessary to prolong the embargo beyond the term of 12 days, the Government, author of the measure, shall be obliged to indemnify the vessels detained for the losses and prejudices suffered from the forced detention in consequence of the embargo or closing of the ports.

It is likewise stipulated that in the event of the property of a subject or citizen of either of the High Contracting Parties resident in the territories of the other, being taken, used, or injured, by the legitimate authorities of that country for public purposes, full indemnity or compensation shall be paid to him by the Government of the country in which the

embargo ó clausura general de puertos por cualquiera de las Partes Contratantes, se estipula, que si el embargo ó clausura no excediere de 6 dias, los buques mercantes que se hallan comprendidos en esta medida no podrán reclamar indemnizacion alguna por razon de la demora, ó de perjuicios que ella les causare; que si la detencion ó clausura excediese de 6 dias, y no pasare de 12, el Gobierno que hubiese dictado el embargo ó clausura, será obligado á pagar á los capitanes de los buques detenidos, por toda indemnizacion, los gastos de salario y sustento de las tripulaciones durante los dias que se les haga forzado á permanecer, á contar del 7mo; y que cuando circunstancias de una gravedad excepcional hicieren necesario prolongar el embargo ó clausura por mas de 12 dias, será obligacion del Gobierno autor de la medida indemnizar á los buques detenidos las perdidas y perjuicios que se les hubieren seguido de la detencion forzada á causa del embargo ó clausura.

Se estipula igualmente que en caso de que las propiedades de un ciudadano ó súbdito de cualquiera Parte Contratante residente en los territorios de la otra fueren tomadas, usadas, ó menoscabadas por las autoridades legítimas de ese país para un uso ó servicio de interes público, se concederá al dueño de la propiedad, por el Gobierno del país

measure is taken. And in case the amount of these indemnities cannot be arranged in an amicable manner, the determination regarding them shall be submitted to arbiters named, the one by the Government author of the embargo or measure which gives rise to the claim, and the other by the Diplomatic Agent, and in his absence by the Consul-General of the nation to which the vessel detained, or proprietor injured, may belong. In case these arbiters cannot agree, the final determination, without appeal, shall be referred to the Government of a third friendly Power.

XVIII. It is stipulated that the present Treaty shall last from the date of the exchange of the ratifications for the term of 10 years; but it shall continue obligatory even after this term has expired, if neither of the Contracting Parties shall have announced to the other, with 12 months' notice, its wish that the said Treaty should cease. The same term shall intervene between the notice and the expiration of the Treaty, at whatever period such notice may be given, the 10 years during which the Treaty ought to last having expired.

Notice having been given by either of the Contracting Parties of its resolution that the Treaty should cease, and after the term of 12 months having elapsed, all

en que la medida se tomare, una justa y completa indemnizacion ó compensacion. Y en caso de que no se pueda arreglarse de una manera amigable la suma de estas indemnizaciones, su determinacion se someterá á arbitros nombrados, el uno por el Gobierno autor del embargo ó medida que origine el reclamo, y el otro por el Agente Diplomático, y en su defecto por el Cónsul-General de la nacion á que pertenezca el buque detenido ó el propietario perjudicado. En caso de desacuerdo de los arbitros nombrados, y no pudiendo convenirse en el nombramiento de un tercero en discordia, la determinacion final, sin apelacion, se remitirá al Gobierno de una tercera Potencia amiga.

XVIII. El presente Tratado se estipula por el termino de 10 años, contados desde la fecha del cange de las ratificaciones; pero continuará en vigor aun despues de trascurrido ese termino, si ninguna de las Partes Contratantes anuncia á la otra su animo de hacerlo cesar con 12 meses de anticipacion. El mismo termino deberá mediar entre el anuncio y la cesacion del Tratado, en cualquiera epoca en que se hiciere la notificacion, trascurridos los 10 años que el Tratado debe durar en vigor.

Hecha la notificacion de la resolucion de hacer cesar el Tratado por cualquiera de las Partes Contratantes, y trascurrido el plazo de 12 meses, quedarán sin efecto

the stipulations contained in the said Treaty shall cease and expire, excepting those relating to peace and friendship between the 2 countries and their subjects and citizens, which shall continue obligatory for both parties.

XIX. The present Treaty shall be ratified, and the ratifications exchanged at Santiago, in 2 years, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Santiago, this 4th day of October, 1854.

(L.S.) E. A. J. HARRIS.

(L.S.) CARLOS BELLO.

todas las estipulaciones en él contenidas, excepto las relativas á las relaciones de paz y amistad entre los 2 países y sus ciudadanos ó súbditos, que continuarán siendo obligatorias para ambas partes.

XIX. El presente Tratado será ratificado, y las ratificaciones canjeadas en Santiago dentro de 2 años, ó antes si fuere posible.

En fé de lo cual los respectivos Plenipotenciarios lo han firmado, y puesto en él sus respectivos sellos.

Hecho en Santiago, á 4° de Octubre, 1854.

(L.S.) CARLOS BELLO.

(L.S.) E. A. J. HARRIS.

Additional Postal Convention between
Great Britain and the Netherlands,
signed at London 29 September/
The Hague 10 October 1854

THIS Convention additional to that of 14 October 1843 is reproduced here from *British and Foreign State Papers*, vol. XLIV, p. 67, being printed also in *Hertslet's Commercial Treaties*, vol. IX, p. 983.

ENGLISH TEXT

THE General Post Office of the United Kingdom of Great Britain and Ireland and the General Post Office of the Kingdom of the Netherlands, having taken into consideration that it is expedient to adopt measures for a reduction of the charge to which the correspondence exchanged between the 2 offices is subject by virtue of the Convention of 14th October, 1843, and that some modification is necessary in respect to other stipulations of the same Convention, in order to adapt them to present circumstances and the requirements of the service :

For the purpose of carrying the same into effect, the undersigned Rowland Hill, Esq., Secretary of the General Post Office, furnished with full powers from the Postmaster-General of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and M. Jaques Pols, Chief Director of the Post Office of the Netherlands, &c., furnished with full powers from his Excellency the Minister of Finance of His Majesty the King of the Netherlands, having the general administration of the Post Office under his department :

Have agreed upon the following Articles :

Art. I. The direct and regular exchange of mails between the General Post Office of the United Kingdom of Great Britain and Ireland and the General Post Office of the Kingdom of the Netherlands, by means of steam-boats carrying on the packet service between London and Rotterdam, which was provisionally suspended on the 15th December, 1853, is altogether abolished.

The mails shall be exchanged daily (Sunday excepted), by the route of Belgium, by means of the mail packets established by the Governments of Great Britain and of Belgium between Dover and Ostend.

II. The correspondence shall be forwarded from one country to the other in closed mails, which shall be made up on every day in the week, except Sunday, in London and at Dover, on the side of the United Kingdom, and at Breda, Maastricht, and L'Ecluse on the side of the Netherlands. The office of London shall exchange mails with the offices of Breda, Maastricht, and L'Ecluse ; but the office of Dover shall exchange mails with the office of Breda only. Nevertheless, the 2 offices reserve to themselves the right by mutual agreement to nominate hereafter other offices of exchange, if it shall be found necessary.

III. Independently of the regular exchange referred to in the

preceding Articles, mails containing letters to be forwarded by private ships shall continue to be exchanged between the offices in the respective ports according to the existing arrangement, as often as opportunities shall offer, but the letters thus exchanged shall consist exclusively of those which the writers may address to be forwarded by private ship.

IV. Letters originating in the United Kingdom of Great Britain and Ireland, and addressed to any place in the Kingdom of the Netherlands, and reciprocally, letters sent from any place in the Netherlands to any place in the said United Kingdom, shall be charged, in the 2 countries, with an uniform postage of 8*d.*, or 40 cents per single letter, of which 4*d.*, or 20 cents, shall represent the postage due to the British Office, and 20 cents, or 4*d.*, that due to the Netherlands Office. This rate shall be applicable to letters not prepaid, as well as to those which are prepaid.

V. With respect to letters above the weight of a single letter (which is fixed at $\frac{1}{2}$ an ounce in England and at 15 grammes inclusive in the Netherlands), each office shall apply on its part the following scale of progression, viz.:

On the part of the British Office: From $\frac{1}{2}$ to 1 ounce, 2 rates; 1 to 2 ounces, 4 rates; 2 to 3 ounces, 6 rates; and so on for each ounce, or fraction of an ounce, 2 rates of postage additional.

On the part of the Netherlands Office: From 15 to 30 grammes inclusive, 2 rates; 30 to 45, 3 rates; 45 to 60, 4 rates; 60 to 75, 5 rates; 75 to 90, 6 rates; and so on for every 15 grammes, or fraction of 15 grammes, 1 rate of postage additional.

The British Office, however, shall be at liberty to apply the scale here authorized for the Netherlands Office, should it deem such a course hereafter desirable.

VI. The same rate of 8*d.*, or 40 cents, per single letter, shall be charged upon letters transmitted between the 2 countries direct by private ships.

VII. The 2 offices shall mutually account to each other for the portion which is due to each of the postage of the international correspondence forwarded to them, both for that of the letters not prepaid, and for that of the letters which are prepaid. In order, however, to simplify this operation, all letters contained in one and the same mail, and belonging to the same class, shall be weighed in bulk, and payment for them shall be made as follows:

By the Netherlands Office to that of Great Britain, 8*d.* per ounce, British money and weight.

By the British Office to that of the Netherlands, 40 cents per 30 grammes, Netherlands money and weight.

VIII. The Netherlands Office shall continue to receive, without charge to the British Office, all letters which the said office shall

forward to it for other States on the Continent, in transit through the Netherlands, and also those originating in the said States and intended for Great Britain that may be sent by the same route. These letters shall be forwarded by the British Office to that of the Netherlands, and by the latter Office to that of Great Britain, without any charge or expense. The Netherland Office reserving to itself, however, the power to levy upon the other offices concerned a transit rate, the amount of which shall not exceed the Netherland share of the rate for the international correspondence, as fixed above; that is, 20 cents for a single letter, whether forwarded in the regular mail, or direct by private ships.

IX. The reduction authorized by Article IV on the amount representing the postage due to the British Office upon international correspondence, shall be also applied to all letters sent from the Netherlands, in transit through the United Kingdom, to British colonies and foreign countries, and *vice versâ*.

For each single letter of this class, the postage of which is collected in the Netherlands, the Netherland Office shall account to the British Office at the rates stated in the Table A, annexed to the present Articles.

The same rates shall be charged upon letters in transit through both countries, and the Netherland Office shall receive from the States of the Continent the postage to which the letters are liable in either direction, and shall account to the British Office for the portion due to the latter, according to the Table above referred to.

X. There shall be excepted from the stipulations of Article XXIII of the Convention of 14th October, 1843, those letters originating in the British West Indies (including Bermuda) or in the British Colonies of Nova Scotia and New Brunswick in North America, and addressed to the Kingdom of the Netherlands, the postage of which the senders may desire to pay in advance at the time of posting.

Upon such prepaid letters the entire postage, as well that due to the British Office as that due to the Office of the Netherlands, shall be collected by the British Office, which shall account to the Office of the Netherlands for the postage due to the latter upon such letters, in the same manner as the postage upon international letters is agreed to be accounted for in Article VII of the present Articles.

XI. On the other hand, the pre-payment, at the rate established by Table A, annexed to the present Articles, shall be considered as optional for the letters originating in the Netherlands, and destined for the British Colonies and Possessions, in which the Office of the United Kingdom maintains Post Offices. Those colonies and possessions are shown in a special column of the said Table.

The entire postage on unpaid letters belonging to this class, as well that which is due to the Netherland Office as that due to the British Office, shall be collected by the latter office, which shall reimburse to the Netherland Office its proportion of the postage on these letters, in conformity with the stipulations of Article VII of the present agreement respecting the manner in which the postage of the international correspondence is to be accounted for.

XII. Letters originating in the Netherland Colonies, or other States beyond sea, brought into the ports of the Netherlands, and intended for the United Kingdom, shall be delivered to the British Office, by that of the Netherlands, at the rate of 60 cents per single letter, namely, 40 cents for sea postage, established by the laws of the Netherlands, and 20 cents for international postage due to the Netherlands.

XIII. The Post Office of the Netherlands undertakes to defray out of its portion of the postage, as fixed by Article IV, the entire charge payable to the Post Office of Belgium, whether for the conveyance of the mails containing the correspondence between the United Kingdom and the Netherlands, in either direction, by means of the mail packets established by the Government of Belgium between Ostend and Dover, or for the conveyance of those mails through the Belgian territory as far as the frontier of the Netherlands, and *vice versâ*.

XIV. The Office of the United Kingdom shall continue to permit the transit and to undertake the conveyance, either through the British possessions, or by the packets which the said Office employs for that purpose, of the closed mails which are dispatched by the Netherland Office to the possessions of the Netherlands in the East Indies, and *vice versâ*, as well by way of Southampton as by that of Marseilles and Trieste respectively, in consideration of a transit rate, which shall be paid by the Office of the Netherlands to that of the United Kingdom, in the following proportion, viz.:

For the despatches which are sent by way of Southampton or any other port of the United Kingdom on account of the whole distance as far as the port of disembarkation in the Indian Archipelago, at which these mails will be given up to the agents of the Netherland Office, and *vice versâ*, at the rate of 2s. 8d. per ounce net weight for letters, and 1d. per sheet for newspapers or other printed papers.

For the despatches by way of Marseilles or Trieste, on account of the distance between Alexandria and the port of disembarkation in the Indian Archipelago at which these mails will be given up to the Agent of the Netherland Office and *vice versâ*, at the rate of

2s. per ounce for letters, and 1*d.* per sheet for newspapers or other printed papers.

The 2 offices shall come to an arrangement hereafter with respect to the cost of transit stipulated by this Article in the event of the conveyance of the mails across the Isthmus of Suez giving rise to any new charges for the correspondence forwarded by that route.

XV. The Office of the United Kingdom likewise permits the transit and undertakes the conveyance either through the British Possessions, or by the packets which the said office employs for the purpose of the closed mails which shall be dispatched by the Netherlands Office to colonies of the Netherlands in the West Indies, as far as the port at which those mails shall be given over to the Agent of the Netherlands Office and *vice versâ*, in consideration of a payment for transit which shall be made by the Office of the Netherlands to that of the United Kingdom at the rate of 2s. 8*d.* per ounce, net weight, for letters, and 1*d.* per sheet for newspapers or other printed papers.

XVI. Lastly, should the Office of the Netherlands think fit to open a direct communication by means of closed mails with the several States of America or other foreign countries in transit through the United Kingdom, the British Office shall grant the transit of these closed mails, in either direction, to be conveyed by the packets or private ships which the office of the United Kingdom employs for that purpose. In such case, the Office of the Netherlands shall pay to that of the United Kingdom a transit rate, the amount of which shall be fixed in conformity with Table A, at 2 single rates of postage to the ounce, net weight, for letters, and at 1*d.* per sheet for newspapers or other printed papers.

XVII. The Netherlands Office, on its part, undertakes to convey through its territory, and at the rate fixed by Article VII of the present Agreement, closed mails containing the correspondence between the United Kingdom, its colonies and possessions, on the one side, and all the States of the Continent with which the British Office may think proper to establish relations of this nature, on the other side.

The privileges stipulated under this Article in favour of the British Office shall be considered as additional to those which the Office of the Netherlands granted to it by Article XXVII of the Convention of the 14th October, 1843.

XVIII. It is understood that if at any future time the Office of the United Kingdom, or the Office of the Netherlands shall decide upon reducing the postage now chargeable upon the correspondence for their own or foreign countries or for any other foreign State, this reduction shall be equally enjoyed by the correspondence of the

other office, transmitted through it, whether in open or closed mails, to the same destination and *vice versa*, and that, consequently, the transit rate established by the present Articles shall be reduced in the same proportion.

XIX. Newspapers and publications allowed to pass through the post in the United Kingdom under the newspaper privilege originating in the United Kingdom and intended for the Netherlands, shall be chargeable only with a reduced postage of 1*d.* for the whole distance, which postage must be paid in advance by the senders.

In like manner, newspapers, prices current, and courses of exchange, printed on stamped paper conformably to the laws of the Netherlands, originating in the Netherlands and intended for the United Kingdom, shall be chargeable only with a reduced postage of 5 cents for the whole distance, which postage shall also be paid in advance by the senders.

The amount of the postage stipulated by this Article shall be equally divided between the 2 Offices. Accordingly the Office of the United Kingdom shall account to that of the Netherlands for the sum of 2½ cents for each paper on which the postage shall have been paid in the United Kingdom, and the Office of the Netherlands shall account to that of the United Kingdom for the sum of ½*d.* for each sheet of which the postage shall have been paid in the Netherlands.

XX. As to periodical works, not of daily publication published in the United Kingdom or in the Netherlands, and which are sent from one country to the other, they shall be chargeable with postage as follows:

Each office shall levy on its own behalf the postage due to it, from the point of departure to the point of exchange between the 2 offices, and reciprocally from the point of exchange to the place of destination.

In Great Britain.—1st. For every work not exceeding 2 ounces in weight, 1*d.* 2nd. For every work exceeding 2 ounces, and not exceeding 3 ounces, 6*d.* 3rd. For every work exceeding 3 ounces, and not exceeding 4 ounces, 8*d.* 4th. For every ounce above 4 and up to 16 ounces (the limit imposed for the transmission of such articles by the Office of the United Kingdom), 2*d.* additional, every fraction of an ounce being reckoned as a full ounce.

In the Netherlands.—At the rate of 2½ cents per number, or per sheet, if the number contains more than 1 sheet.

Each office shall retain on its own behalf the postage which it shall have collected, so that for this portion of the mails no accounts shall be required between the 2 offices.

It is understood that all the provisions of Article XXX of the

Convention of the 14th October, 1843, shall continue to be applied to the class of printed works referred to in the present Article.

XXI. The Netherland Office shall continue to account to the British Office for the sum of 1*d.* upon every newspaper originating in the colonies, or in other countries beyond sea, and intended either for the Netherlands, or for other States in transit through the Netherlands, and *vice versâ*.

In like manner, newspapers originating in the United Kingdom and intended for other States or colonies, in transit through the Netherlands and *vice versâ*, shall continue to be forwarded from the British Office to the Netherland Office, and from the Netherland Office to the British Office, without charge, the Netherland Office being entitled, however, to claim the cost of transit from the other offices concerned at the rate of 5 cents per paper, or per printed sheet.

XXII. The stipulations of Article XIII of the present arrangement are equally applicable to the payment of the transit rate to Belgium, for newspapers or other printed papers contained in the mails forwarded in either direction.

XXIII. The forms of letter bills and acknowledgment of receipt for the use of the respective offices of exchange shall be made according to the Forms B and C annexed to the present Articles.

XXIV. A list of the English towns the correspondence of which to and from the Netherlands, and to and from countries in transit through the Netherlands, should be forwarded by the Office of Breda to Dover, and *vice versâ*, is given in the Table D annexed to the present Articles.

XXV. Lists of the Netherland Post Offices and of the dependent districts the correspondence of which to and from the United Kingdom, and to and from countries in transit through the United Kingdom, should be forwarded by the Office of London to Maas-tricht or L'Ecluse and *vice versâ*, are given in the Tables E and F annexed to the present Articles.

These Articles shall be considered as additional to the Convention of the 14th October, 1843, the provisions of which are maintained in all cases where they are not contrary to the stipulations of the present arrangement.

They shall be ratified, and the ratifications shall be exchanged as soon as possible.

Done in duplicate at London, the 29th day of September, and at the Hague, the 10th day of October, 1854.

(L.S.) ROWLAND HILL.

(L.S.) J. POLS.

TABLE (A) showing the rate of Postage to be accounted for by the Post Office of the Netherlands to the Post Office of the United Kingdom, for a single letter sent from the Netherlands in transit through the United Kingdom to the under-mentioned British Colonies and Foreign Countries, and *vice versa*, and specifying whether payment in advance is optional or compulsory.

Names of Places.	Rates of Postage.		Pre-payment.
	s.	d.	
India <i>via</i> Southampton	1	4	Compulsory.
Australia			
Van Diemen's Land			
New Zealand (when so addressed)			
China			
Ceylon	0	10	Optional.
Hong Kong			
Malta			
Mauritius			
Ionian Islands	1	4	Compulsory.
Egypt	1	10	
Gibraltar	0	10	Optional.
Spain	2	6	
Portugal	1	11	Compulsory.
Madeira			
Azores	2	0	"
Canary Islands			
Cape de Verdes			
Brazil	1	4	"
Buenos Ayres			
Monte Video			
Mexico			
Chili and Peru	2	4	"
Ascension, Cape of Good Hope, Mauritius, Australia, or any other British Colony or Foreign Country, when conveyed by private ship from the United Kingdom, except New South Wales	1	0	
New South Wales (except Sydney) by private ship	1	5	"
Sydney, N. S. W., by private ship	1	3	
California, Oregon, and Sandwich Islands, by West Indian packets	2	8	"
California, Oregon, and Cuba, <i>via</i> United States	1	5	
New Granada (Republic of) including Panama	1	4	"
Venezuela	1	4	
Cuba	2	5	"
Guadaloupe			
Hayti	1	7	"
Porto Rico			
Martinique			
St. Thomas			
St. Croix	0	10	Optional.
St. Eustatius			
St. Martins	0	10	Compulsory.
United States of America :			
By British packet	1	0	"
By United States do.	0	4	
Sierra Leone and other parts of West Coast of Africa	1	4	"
St. Helena	0	10	
Canada <i>via</i> United States	1	0	Optional.
New Brunswick			
Nova Scotia			
Prince Edward Island			

Names of Places.	Rates of Postage.	Pre-payment.
	s. d.	
Canada <i>vid</i> Halifax	0 10	Optional.
New Brunswick "		
Nova Scotia "		
Newfoundland "		
Bermuda "		
Prince Edward Island "	0 10	" Compulsory.
British West Indies (except Turks Islands) viz., Antigua, Barbadoes, Bahamas, Demerara, Berbice, Dominica, Grenada, Essequibo, Belize, Jamaica, Montserrat, Nevis, St. Lucia, St. Kitts, St. Vincent, Tobago, Tortola, and Trinidad "		
Turks Islands "	1 4	

(D.) DOVER.—LIST of the English Towns, the Correspondence of which, to and from the Netherlands, and other countries, in transit through the Netherlands, should be forwarded by Dover.

Kent.—Ashford, Bidenden, Canterbury, Chatham, Cranbrook, Dartford, Deal, Dover, Faversham, Folkestone, Gravesend.

Sussex.—Hastings.

Kent.—Hythe, Maidstone, Margate, New Romney, Queenborough, Ramsgate, Rochester.

Sussex.—Rye.

Kent.—Sandwich, Sheerness, Shooter's Hill, Sittingbourne.

Sussex.—St. Leonard's.

Kent.—Walmer.

(E.) L'ECLUSE.—LIST of the Netherland Post Offices, and of the dependent districts, the Correspondence of which to and from the United Kingdom, and other countries in transit through the United Kingdom should be forwarded by l'Ecluse.

L'Ecluse (Stuis).—Aardenburg, St. Anna ter-Muiden, Eede, Heille, St. Kruis.

Flessingue (Vlissingen).—Oost Souburg, Ritthem, West Souburg.

Hulst.—Boschkapelle, Clinge, Graauw, Hengstdijk, Hontenisse, St. Jan Steen, Ossenisse, Stoppeldijk.

Middlebourg.—Aagtekerke, Arneminde, Biggekerke, Domburg, Gapinge, Grypskerke, Kleverskerke, Koudekerke, St. Laurens, Meliskerke, Nieuwland, Oostkapelle, Serooskerke, Veere, Vrouwenpolder, Westkapelle, Zoutelande.

Neuzen (Fer-Neuze).—Hock.

Oostburg.—Biervliet, Breskens, Cadsand, Groede, Hoodplaat, Nieuwvliet, Philippine, Retranchement, Schoondijke, Waterlandskirkje, Yzendijke, Zuidzande.

Sas-de-Gand (Sas-van-Gend).—Axel, Koewacht, Overslag, Westdorpe, Zaamslag, Zuiddorpe.

(F.) **MAASTRICHT.**—LIST of the Netherland Post Offices and of the dependent districts, the correspondence of which to and from the United Kingdom, and other countries in transit through the United Kingdom, should be forwarded by Maastricht.

Heerlen.—Bocholt, Eygelshoven, Heerlen, Hoensbroek, Kerkrade, Nieuwenhagen, Rimburch, Schaesberg, Simpelveld, Ubach over-Worms, Voerendal.

Maastricht.—Amby, Beek, Bemelen, Berg et Ferblijt, Borgharen, Bunde, Climmen, Elsloo, Eysden, Geulle, Grousveld, Gulpen (Galoppe), Heer, Houthem, Hulsberg, Keer et Cadier, Itteren, Maastricht, Margraten, Meersen, Mesch, Mheer, Noorbeck, Nuth, Ood Valkenburg, Ood Vroenhoven, Rijkholt, Schimmert, Schin op Geulle, St. Gertruide, St. Pieter, Slenaken, Strucht, Ulestraten, Valkenburg (Fauquemont), Wittem, Wylie, Wynandsrade.

Roermond (Ruremonde).—Baexem, Beegden, Besel, Buggenum, Grathem, Haelen, Heel et Panheel, Herkenbosch et Melik, Herten, Heijthuisen, Horn, Ittervoort, Linnen, Maasbracht, Maasneil, Moutfort, Neer, Neer Itter, Nunheim, Odelienberg, Posterholt, Roermond, Roggel, Swalmen, Thorn, Vlodorp, Wessem.

Sittart.—Amstenrade, Bingelrade, Born, Brock Sittart, Brunssum, Echt, Geleen, Grevenbicht, Jabeck, Limbricht, Merkelbeck, Munstergeleen, Nieuwstad, Obbicht et Papenhoven, Ohé et Laak, Oersbeck, Roosteren, Schinnen, Schinveld, Sittart, Spanbeck, Stein, Stevensweerd, Susteren, Urmond.

Vaals.—Vaals.

Venlo.—Arcen et Velden, Belfeld, Bergen, Brockhuizen, Gennep, Grubbenvorst, Helden, Horst, Kessel, Maasbree, Meerloo, Mook, Ottersum, Sevenum, Fegelen, Venlo, Venray, Wanssum.

Weert.—Hunsel, Meyel, Nederweert, Stamproy, Weert.

Convention between Great Britain and Japan
for Regulating the Admission of British Ships
to the Ports of Japan, with Exposition of
the Articles of the Convention,
signed at Nagasaki, 14 October 1854

THIS Convention, which was supplemented by the Declaration of 18 October 1855 and terminated by the Treaty of 16 July 1894, is reproduced from *British and Foreign State Papers*, vol. XLIV, p. 62. It is printed also in *Parliamentary Papers*, 1856, vol. LXI, p. 307; *British and Foreign State Papers*, vol. XLVI, p. 714; *Hertslet's Commercial Treaties*, vol. IX, p. 977; and by Martens, *Nouveau Recueil Général*, vol. XV, p. 600.

ENGLISH TEXT

[Ratifications exchanged at Nagasaki, October 9, 1855.]

It is agreed between Sir James Stirling, Knight, Rear-Admiral, and Commander-in-chief of the ships and vessels of Her Britannic Majesty in the East Indies and seas adjacent, and Mezi-no Chekfu-no Kami, Obunyo of Nagasaki, and Nagai Evan Ocho, Omedski of Nagasaki, ordered by His Imperial Highness the Emperor of Japan to act herein, that:

ART. I. The ports of Nagasaki (Fisen) and Hakodadi (Matsmai) shall be open to British ships for the purposes of effecting repairs, and obtaining fresh water, provisions, and other supplies of any sort they may absolutely want for the use of the ships.

II. Nagasaki shall be open for the purposes aforesaid from and after the present date, and Hakodadi from and after the end of 50 days from the Admiral's departure from this port. The rules and regulations of each of these ports are to be complied with.

III. Only ships in distress from weather, or unmanageable, will be permitted to enter other ports than those specified in the foregoing Articles, without permission from the Imperial Government.

IV. British ships in Japanese ports shall conform to the laws of Japan. If high officers or commanders of ships shall break any such laws, it will lead to the ports being closed. Should inferior persons break them, they are to be delivered over to the commanders of their ships for punishment.

V. In the ports of Japan, either now open, or which may hereafter be opened, to the ships or subjects of any foreign nation, British ships and subjects shall be entitled to admission, and to the enjoyment of an equality of advantages with those of the most favoured nation, always excepting the advantages accruing to the Dutch and Chinese from their existing relations with Japan.

VI. This Convention shall be ratified, and the ratifications shall be exchanged at Nagasaki on behalf of Her Majesty the Queen of Great Britain, and on behalf of His Highness the Emperor of Japan, within 12 months from the present date.

VII. When this Convention shall be ratified, no high officer coming to Japan shall alter it.

In witness whereof we have signed the same, and have affixed our seals thereunto, at Nagasaki, this 14th day of October, 1854.

JAMES STIRLING.

N.B.—The Japanese text was signed by the Japanese Plenipotentiaries.

EXPOSITION of the Articles of the Convention of Nagasaki of the 14th of October, 1854, agreed to on the 18th of October, 1855, by their Excellencies the Rear-Admiral Commanding-in-chief and the Japanese Commissioners.

Exposition.

“ART. I. The ports of Nagasaki (Fisen) and Hakodadi (Matsmai) shall be open to British ships for the purposes of effecting repairs, and obtaining fresh water, provisions, and other supplies of any sort they may absolutely want for the use of the ships.”

The 1st Article of the Convention opens the ports of Nagasaki and Hakodadi to British ships for repairs and supplies. It opens the whole and every part of those ports; but ships must be guided in anchoring by the directions of the local Government. Safe and convenient places will be assigned where ships may be repaired. Workmen, materials, and supplies will

Exposition.

be provided by the local Government, according to a tariff to be agreed upon, by which also the modes of payment will be regulated. All official communications will hereafter, when Japanese shall have time to learn English, be made in that language. A British burial-ground shall be set apart on Medsume Sima, fenced by a stone wall, and properly protected.

"II. Nagasaki shall be open for the purposes aforesaid from and after the present date; and Hakodadi from and after the end of 50 days from the Admiral's departure from this port. The rules and regulations of each of these ports are to be complied with."

The 2nd Article provides that at each of the ports of Nagasaki and Hakodadi the Port Regulations shall be obeyed; but the Japanese Government will take care that they shall not be of a nature to create embarrassment, nor to contradict in any other way the general tenor and intent of the Treaty, the main object of which is to promote a friendly intercourse between Great Britain and Japan.

"III. Only ships in distress from weather, or unmanageable, will be permitted to enter other ports than those specified in the foregoing Articles, without permission from the Imperial Government."

The 3rd Article declares that only ships in distress from weather, or unmanageable, shall enter other ports than Nagasaki and Hakodadi, without permission from the Imperial Government; but ships of war have a general right to enter the ports of friendly Powers in the unavoidable performance of public duties, which right can neither be waived nor restricted; but Her Majesty's ships will not enter any other than open ports without necessity, or without offering proper explanations to the Imperial authorities.

"IV. British ships in Japanese ports shall conform to the laws of Japan. If high officers or

The 4th Article provides that British ships and subjects in Japanese ports shall conform to

commanders of ships shall break any such laws, it will lead to the ports being closed. Should inferior persons break them, they are to be delivered over to the commanders of their ships for punishment."

"V. In the ports of Japan, either now open, or which may hereafter be opened, to the ships or subjects of any foreign nation, British ships and subjects shall be entitled to admission, and to the enjoyment of an equality of advantages with those of the most favoured nation, always excepting the advantages accruing to the Dutch and Chinese from their existing relations with Japan."

"VI. This Convention shall be ratified, and the ratifications shall be exchanged at Nagasaki

Exposition.

the laws of Japan; and that if any subordinate British subjects commit offences against the laws, they shall be handed over to their own officers for punishment; and that if high officers or commanders of ships shall break the laws, it will lead to the closing of the ports specified. All this is as it should be; but it is not intended by this Article that any acts of individuals, whether high or low, previously unauthorized or subsequently disapproved of by Her Majesty the Queen of Great Britain, can set aside the Convention entered into with Her Majesty alone by His Imperial Highness the Emperor of Japan.

The 5th Article secures in the fullest sense to British ships and subjects in every port of Japan, either now open or hereafter to be opened, an equality in point of advantage and accommodation with the ships and subjects or citizens of any other foreign nation, excepting any peculiar privilege hitherto conceded to the Dutch and Chinese in the port of Nagasaki. If, therefore, any nation or people be now or hereafter permitted to enter other ports than Nagasaki and Hakodadi, or to appoint Consuls, or to open trade, or to enjoy any advantage or privilege whatever, British ships and subjects shall, as of right, enter upon the enjoyment of the same.

on behalf of Her Majesty the Queen of Great Britain, and on behalf of His Highness the Emperor of Japan, within 12 months from the present date."

"VII. When this Convention shall be ratified, no high officer coming to Japan shall alter it."

ARRANGEMENT REGARDING STAMPS.

An arrangement made subsequently to the Convention requires that British ships intending to visit Japan, shall be provided with a document in proof of their nationality, and as a check upon the conduct of vessels in Japanese ports; and Her Majesty's Government has directed a form of certificate of registration to be adopted,* which has been accepted as satisfactory by the Japanese authorities; and merchant ships arriving in Japanese ports are to submit their certificate of registration to the officers to be appointed by the Japanese authorities, and to permit them to make such extracts from it as may seem good to them, before such ships can be admitted to obtain repairs and supplies. Her Majesty's ships of war will not be provided with such documents; but the officers in command, upon proper application, will afford all reasonable information regarding their ships.

REGULATIONS for the Port of Nagasaki, communicated to Rear-Admiral Sir James Stirling by the Governor of Nagasaki, October, 1854.

STANDING PORT REGULATIONS.

ART. I. Ships shall anchor within Two-sima, and there await the directions of the Governor.

II. No fire-arms to be discharged.

III. No person to land on any of the islands.

IV. No soundings to be taken, nor boats to be pulling about.

V. Should any communication be desired, a boat of the upper officers shall be called; but no communication shall be held with merchant-boats, and no exchange of articles take place, or trading of any sort.

The above being according to the law of Great Japan, all commanders and other officers shall obey the same, and orders shall be given to the crew that the aforesaid law shall not be broken.

No regulations for the port of Hakodadi have yet been communicated.

* The Form of Register issued to British vessels at the Custom-House.

Treaty between Baden and the Swiss
Confederation relative to the Frontier,
signed at Stuttgart, 20 October/
Zurich, 31 October 1854

THIS agreement for the definition of the frontier between Baden and the Canton of Thurgau is taken from Kaiser, *Sammlung der Eidgenössischen Gesetze etc.*, vol. IV, p. 149. It is printed also by Martens et de Cussy, *Recueil Manuel et Pratique des Traités*, vol. VII, p. 347, in French, this version being also reproduced here.

GERMAN TEXT

Der Bundesrath

der Schweiz. Eidgenossenschaft,

nach genommener Einsicht und Prüfung des zwischen der schweizerischen Eidgenossenschaft und dem Großherzogthum Baden durch die beiderseitig hiezu Bevollmächtigten im Oktober 1854 zu Zürich und Stuttgart unter Ratifikationsvorbehalt abgeschlossenen Vertrages über die Vereinigung der Hoheitsgränze zwischen der schweizerischen Eidgenossenschaft und dem Großherzogthum Baden längs des Kantons Thurgau, welcher vom schweizerischen Nationalrathe am 16. Christmonat 1854 und vom Ständerath am 20. gleichen Monats genehmigt worden ist, und welcher wörtlich also lautet:

Ratifikations-Urkunde.

Nachdem die zwischen dem Großherzogthum Baden und der Schweizerischen Eidgenossenschaft durch die beiderseits hiezu Bevollmächtigten im Verlaufe des Monats October 1854 zu Stuttgart und Zürich unter Ratifikationsvorbehalt abgeschlossene Uebereinkunft über die Vereinigung der Hoheitsgränze zwischen dem Großherzogthum Baden und der Schweizerischen Eidgenossenschaft längs des Kantons Thurgau, welche wörtlich also lautet:

Nachdem der schweizerische Bundesrath und die großherzoglich-badische Regierung sich von der Zweckmäßigkeit überzeugt haben, die Hoheitsgränze zwischen der schweizerischen Eidgenossenschaft und dem Großherzogthum Baden längs des Kantons Thurgau, so weit dieselbe nicht schon durch die Uebereinkunft vom 28. März 1831 festgestellt ist, gehörig zu bereinigen und zugleich die an mehreren

Stellen derselben bestehenden langjährigen Differenzen im Wege freundschaftlicher Verständigung auszugleichen, sind zu diesem Zwecke beiderseits Bevollmächtigte ernannt worden, nämlich:

von Seite des schweizerischen Bundesraths,
der schweizerische Nationalrath Dr. J. Konrad Kern und
der schweizerische Ständerath Dr. J. Jakob Rüttimann;

von Seite der großherzoglich=badischen Regierung:

der großherzogliche Geschäftsträger bei der schweizerischen Eidgenossenschaft, Kammerherr und Legationsrath Ferdinand von Dusch,

welche sich auf Grund der am 9. und 10. Mai laufenden Jahres zwischen ihnen zu Konstanz stattgehabten Verhandlung, unter Vorbehalt der Ratifikation ihrer hohen Kommittenten, über nachfolgende Punkte geeinigt haben:

Art. I. Zwischen dem Staatsgebiet des Großherzogthums Baden und demjenigen des schweizerischen Kantons Thurgau wird von der badischen Gränze unterhalb Konstanz bis zur thurgauischen Gränze bei dem ehemaligen Kloster Paradies überall die Mitte des Rheins, beziehungsweise die Mitte des Untersees, als Landesgränze angenommen.

Namentlich gilt die hier bezeichnete Gränze auch längs des ehemaligen Stadtbezirks Dießenhofen, so wie zwischen dem Dorfe Büsingen und den gegenüber liegenden sogenannten Scharrenwiesen.

Art. II. Unbeschadet der im Art. 1 festgesetzten Landesgränze werden folgende besondere Verhältnisse gegenseitig anerkannt:

- a. auf dem ganzen Rhein und Untersee, in demjenigen Umfange, wie dieß im Art. 114 der Fischerordnung vom 22. August 1774 sich näher bezeichnet findet, kann von den Bewohnern der auf beiden Seiten des Sees und Rheins liegenden, nach dieser Fischerordnung hierzu berechtigten Gemeinden die Fischerei und die Vogeljagd nach den Vorschriften der erwähnten Fischerordnung und unter der, der großherzoglich=badischen Behörde zu Handhabung derselben zustehenden Polizei ausgeübt werden.

Vorbehalten bleibt eine auf dem Wege der Vereinbarung durchzuführende Revision dieser Fischerordnung.

- b. Was die Brücke zu Dießenhofen betrifft, so wird die niedere Polizei auf der ganzen Brücke und auf der Einfahrt zu derselben längs des Zollhäuschen ausschließlich durch die thurgauischen Behörden ausgeübt.

Der Stadt Dießenhofen, als der Eigenthümerin der Brücke, steht ausschließlich das Recht zu, an derselben Reparaturen, Veränderungen oder Neubauten vorzunehmen, und die großherzoglich-badische Regierung verzichtet darauf, vermöge der ihr auf der rechtseitigen Hälfte der Brücke zustehenden Hoheit jemals irgendwie in das Eigenthum oder den Bestand dieser Brücke einzugreifen.

- c. Auf Urkunden oder altes Herkommen sich stützende Fischereigerechtigkeiten werden als Privatrechte gegenseitig anerkannt.

Art. III. Der gegenüber der Stadt Dießenhofen am rechten Ufer des Rheins bei Gailingen gelegene, aus beiläufig 140 Zucharten bestehende Güterkomplex „die Säge oder Zaunstelle“ genannt, wird als zur Gemarkung Gailingen gehörig anerkannt. Bezüglich dieses Distriktes werden ausnahmsweise folgende Bestimmungen festgestellt:

- a. Einwohner der Stadt Dießenhofen, welche in der Säge Liegenschaften besitzen oder in Zukunft erwerben, sind mit Beziehung auf dieselben von allen Beiträgen zu Gemeindebedürfnissen gegenüber der Gemeinde Gailingen befreit, mit Ausnahme derjenigen Kosten, welche zur Herstellung und Unterhaltung der durch die Säge führenden Vizinalstraßen oder Güterwege erforderlich sind, zu welchen sie nach dem Verhältniß ihres Besitzthums mit zu bezahlen haben.
- b. Wenn eine solche Liegenschaft von einem Einwohner der Gemeinde Dießenhofen an einen andern Einwohner derselben Gemeinde übergeht, so ist für den Eigenthumsübergang weder eine Staatsgenehmigung einzuholen, noch die für diese Genehmigung bestimmte Gebühr an den Staat zu bezahlen, und es soll von der Gemeindebehörde von Gailingen in Bezug auf die Ertheilung der Gewähr in einem solchen Falle jederzeit nach den gleichen Grundsätzen verfahren werden, wie bei Handänderungen unter Angehörigen des Großherzogthums Baden.

- c. Der Stadt Dießenhofen bleibt überlassen, auf ihre Kosten neben der von der Gemeinde Gailingen bestellten Feldpolizei für die Liegenschaften in der Säge besondere Feld- oder Traubenhüter anzustellen, welche jedoch von der badischen Behörde für ihren Dienst in Pflicht zu nehmen sind und ihre Anzeigen bei der badischen zuständigen Behörde zu machen haben.

Art. IV. Die gegenüber von Büsingen am linken Ufer des Rheins liegenden sogenannten Scharrenwiesen, ein Komplex von beiläufig 17 Jucharten, werden dem thurgauischen Gemeindebann Unterschlatt zugetheilt. Den Einwohnern der Gemeinde Büsingen, welche in den Scharrenwiesen Liegenschaften besitzen, werden mit Hinsicht auf dieselben die gleichen Rechte gegenüber dem Kanton Thurgau und der Gemeinde Unterschlatt eingeräumt, welche nach Art. 3 den Einwohnern der Stadt Dießenhofen mit Beziehung auf ihr Grundeigenthum in der Säge gegenüber dem Großherzogthum Baden und der Gemeinde Gailingen zugesichert sind.

Art. V. Der Vollzug der gegenwärtigen Uebereinkunft wird stattfinden, sobald die beiderseits vorbehaltenen Ratifikationen erfolgt und ausgewechselt sein werden.

Zur Urkunde dessen ist diese Uebereinkunft in zwei gleichlautenden Exemplaren ausgefertigt und von den beiderseitigen Bevollmächtigten unterzeichnet und besiegelt worden.

So geschehen zu Zürich, den 31. Oktober
" " " Stuttgart, den 20. Oktober } 1854.

(L. S.) Gez. Dr. J. C. Kern. (L. S.) Gez. F. v. Dusch.

(L. S.) Gez. Dr. J. Rüttimann.

erklärt diesen vorstehenden Vertrag in allen Theilen als angenommen und in Kraft erwachsen, und verspricht im Namen der schweizerischen Eidgenossenschaft, denselben jederzeit, so weit es von letzterer abhängt, gewissenhaft zu erfüllen.	in allen Punkten die allerhöchste Genehmigung Seiner Königlichen Hoheit des Regenten erhalten hat, so wird dieses von dem unterzeichneten Großherzoglichen Ministerium mit dem Anfügen beurkundet, daß d. e. Großherzogliche Regierung die
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Zur Urkunde dessen ist die gegenwärtige Ratifikation vom Bundespräsidenten und dem eidgenössischen Kanzler unterschrieben und mit dem eidgenössischen Staatsiegel versehen worden.

So geschehen in Bern, den sechs und zwanzigsten Christmonat eintausend achthundert vier und fünfzig (26. Christmonat 1854).

Im Namen des schweizerischen Bundesrathes,

Der Bundespräsident:

J. Frey-Herosée.

(L. S.)

Der Kanzler der Eidgenossenschaft:

Schüeß.

Bestimmungen dieser Uebereinkunft als bindend anerkennt und verspricht, solche, so weit es von ihr abhängt, gewissenhaft zu erfüllen.

Karlsruhe, den 20. Januar 1855.

Großherzoglich Badisches Ministerium des Großherzoglichen Hauses und der auswärtigen Angelegenheiten.

(L. S.)

Frhr. Rüd..

FRENCH TEXT

Le conseil fédéral suisse et le gouvernement du grand-duché de Baden reconnaissant la convenance de rectifier dûment les limites entre la Confédération Suisse et le grand-duché de Baden le long du canton de Thurgovie, en tant qu'elles n'ont pas déjà été fixées par la convention du 28 Mars 1834, et en même temps d'aplanir par voie d'entente amiable les différends existant depuis longues années sur plusieurs points de cette frontière, ont nommé à cet effet des plénipotentiaires, savoir,

(*Suivent les noms des plénipotentiaires*)

qui sont convenu des points suivants sur la base des délibérations qui ont eu lieu à Constance les 9 et 10 Mai de l'année courante, sous réserve de la ratification de leurs hauts commettants :

ART. I. Le milieu du Rhin, resp. du lac inférieur est reconnu comme ligne de frontière entre le territoire du grand-duché de Baden et celui du canton suisse de Thurgovie, depuis la frontière badoise, en aval de Constance jusqu'à la frontière thurgovienne près l'ancien couvent de Paradis.

La limite ici désignée est notamment aussi reconnue le long de l'ancien district de la ville de Diessenhofen, ainsi que entre le village de Busingen et les terres dites Scharrenwiesen situées vis-à-vis.

ART. II. Sans préjudice de la ligne frontière fixée à l'art. I, les points spéciaux suivants sont reconnus de part et d'autre :

a. Sur toute l'étendue du Rhin et du lac inférieur, dans la mesure spécialement indiquée en l'art. 114 de l'ordonnance sur la pêche, du 22 Août 1774, les habitants des communes situées sur les deux rives du lac et du Rhin, à ce autorisées par la dite ordonnance, peuvent exercer la pêche et la chasse aux oiseaux, conformément aux dispositions de cette ordonnance et sous la police de l'autorité badoise chargée de l'exécution.

Demeure réservée une révision de cette ordonnance sur la pêche, à opérer par voie d'accommodement.

b. En ce qui concerne le pont de Diessenhofen, la basse police sur tout le pont et sur son entrée le long de la maison de péage est exclusivement exercée par les autorités thurgoviennes.

A la ville de Diessenhofen, comme propriétaire de pont appartient exclusivement le droit d'y faire des réparations, des changements ou des constructions nouvelles, et le gouvernement du grand-duché de Baden eu égard au droit de souveraineté à lui appartenant sur la moitié droite du pont, renonce à toute action quelconque sur la propriété ou l'existence du dit pont.

c. Les droits de pêche fondés sur des documents ou sur la tradition sont réciproquement reconnus comme droits privés.

ART. III. Les terres dites « la Sätze ou Zaunstelle » consistant en environ 140 arpents, situées vis-à-vis de la ville de Diessenhofen sur la rive droite du Rhin près Gailingen sont reconnues comme appartenant au finage de Gailingen.

Les dispositions exceptionnelles suivantes sont stipulées relativement à ce district :

- a. Les habitants de la ville de Diessenhofen qui possèdent ou qui acquerraient à l'avenir des immeubles à la Sätze, sont pour ces biens-fonds exempts de toute contribution aux dépenses communales de la commune de Gailingen, à l'exception de celles qui sont nécessaires pour la construction et l'entretien des chemins vicinaux ou de charroi auxquelles ils auront à contribuer à raison de leur propriété.
- b. Lorsqu'un pareil immeuble passera des mains d'un habitant de la commune de Diessenhofen dans celles d'un autre habitant de la même commune, cette mutation ne sera pas soumise à l'approbation de l'État et l'on n'acquittera pas la finance fixée pour cette permission ; relativement à l'autorisation à accorder en pareil cas, l'autorité communale de Gailingen procédera toujours d'après les principes reçus pour les mutations entre ressortissants du grand-duché de Baden.
- c. Faculté est laissée à la ville de Diessenhofen de placer à ses frais et en outre de la police rurale commise à la Sätze par la commune de Gailingen des gardes champêtres spéciaux lesquels auront toutefois à recevoir les ordres de l'autorité badoise et à faire leurs dénonciations à l'autorité badoise compétente.

ART. IV. Les terres dites Scharrenwiesen situées vis-à-vis de Busingen sur la rive gauche du Rhin, de la contenance d'environ 17 arpents, sont incorporées au district thurgovien d'Unterschlatt. Les habitants de la commune de Busingen qui possèdent des biens-fonds aux Scharrenwiesen jouiront pour ceux-ci, vis-à-vis du canton de Thurgovie et de la commune de Unterschlatt les mêmes droits que ceux qui, à teneur de l'art. III, sont assurés aux habitants de la ville de Diessenhofen quant à leur propriété foncière à la Sätze vis-à-vis du grand-duché de Baden et de la commune de Gailingen.

ART. V. La présente convention recevra son exécution dès que les ratifications réservées de part et d'autre auront été prononcées et échangées.

En foi de quoi, etc.

Convention between Chile and Peru relative
to the Amortisation of the Peruvian Debt,
signed at Lima, 7 November 1854

THE text of this Convention is taken from Montes, *Recopilación de Tratados etc. de Chile*, vol. I, p. 209, and the English translation from *British and Foreign State Papers*, vol. LV, p. 133.

SPANISH TEXT

Hallándose dispuesto por el artículo 4.º de la Convención celebrada el doce de Septiembre de mil ochocientos cuarenta y ocho entre los Gobiernos de Chile y el Perú, que el año de mil ochocientos cincuenta y tres se arreglaría entre ellos lo conveniente para proceder á la amortización de los dos millones de pesos que el segundo adeuda al primero, se reunieron con tal objeto los respectivos Plenipotenciarios, á saber:

Por parte de Chile, su Encargado de Negocios en esta capital, Don Victorino Garrido, y por parte del Perú, el Ministro de Relaciones Exteriores, Doctor Don José Luis Gómez Sánchez;

Los cuales, después de haber examinado sus

plenos poderes y halládoslos en buena y debida forma, han convenido en los artículos siguientes:

ARTÍCULO PRIMERO. El Gobierno del Perú pagará el expresado capital de dos millones de pesos, que ha empezado á ganar el interés del tres por ciento anual desde el primero de Enero del presente año, asignando el uno por ciento de esta deuda como fondo de amortización; y la cantidad de veinte mil pesos fuertes que por esta base corresponde anualmente á los dos millones de capital, se empleará todos los años en la amortización de la deuda, haciéndose el pago el día treinta y uno de Diciembre de cada año.

ART. 2.º La primera amortización se verificará el treinta y uno de Diciembre de mil ochocientos cincuenta y cinco.

ART. 3.º El Gobierno del Perú pagará al fin de cada semestre, en los días treinta de Junio y treinta y uno de Diciembre, los intereses al tres por ciento anual sobre el capital de los dos millones expresados, para lo cual destina la cantidad de sesenta mil pesos anuales, conforme al artículo segundo de la citada Convención; debiendo hacerse estos pagos, así como el de la amortización, en esta capital, en moneda de oro ó plata de buena ley, abonando el Gobierno del Perú el cambio por los costos de remesa á Londres, que será el corriente de plaza en las fechas en que han de hacerse los pagos; pudiendo, sin embargo, el mismo Gobierno hacerlos en la ciudad de Londres, en cuyo caso serán íntegros, en libras esterlinas, y sin descuento ni gravamen para el de Chile.

ART. 4.º Los intereses correspondientes al presente año se satisfarán separadamente al Gobierno de Chile.

ART. 5.º El sobrante que á consecuencia de la disminución del capital de la deuda resulte cada año de la suma asignada al pago de intereses, será invertido igualmente en la amortización, y pasará á aumentar el fondo fijo destinado á ella por el artículo 1.º

ART. 6.º El Gobierno del Perú asigna é hipoteca al pago del fondo de amortización de esta deuda y de sus intereses al tres por ciento, el producto de las rentas nacionales, y especialmente el de la venta del guano en Estados Unidos, en la parte necesaria á llenar estas obligaciones.

ART. 7.º En el caso de que el Gobierno de Chile se propusiese enajenar esta deuda ó destinarla á otros fines, y pidiese la emisión de bonos, el Gobierno del Perú los emitirá en el número que se solicitare y en la cantidad suficiente á cubrir la parte de la deuda que entonces se encuentre sin amortizar. Los bonos serán pagaderos al portador, conteniendo cada uno los cupones de intereses que correspondan y la inserción del presente arreglo.

ART. 8.º La enajenación de estos bonos no variará la naturaleza de la deuda, ni perjudicará á los tenedores de ellos, respecto á que el pago de amortización é intereses tendrá indefectiblemente lugar hasta su extinción en los días expresados de cada año, y con las cantidades asignadas á estos objetos.

ART. 9.º La amortización de los bonos se hará comprando el Gobierno del Perú en cada año el número respectivo de ellos al precio corriente en el mercado.

ART. 10. Si en cualquier tiempo el precio de estos bonos excediese de la par, la amortización se hará por sorteo y se pagarán á la par los bonos que señale la suerte, hasta que quede invertido el dicho fondo fijo y el sobrante de la suma adscrita al pago de intereses.

ART. 11. Si la enajenación de los bonos se hiciese en Estados Unidos, su amortización y el pago de sus intereses se verificarán anualmente en Nueva York por los Agentes del Gobierno del Perú, en los plazos estipulados y con los fondos destinados á este objeto.

Con lo que firmaron por cuadruplicado el presente arreglo y lo sellaron en Lima, á siete de Noviembre de mil ochocientos cincuenta y cuatro.

(L. S.) — VICTORINO GARRIDO

(L. S.) — JOSÉ LUIS G. SÁNCHEZ

ENGLISH TRANSLATION

ARTICLE IV of the Convention concluded September 12, 1848, between the Governments of Chile and Peru, having provided that in the year 1853, arrangements should be made between them for proceeding to the redemption of the 2,000,000 dollars which the latter owes to the former, their respective Plenipotentiaries met for that purpose, namely:

On the part of Chile, her Chargé d'Affaires in this capital, Don Victorino Garrido; and on the part of Peru, the Minister for Foreign Affairs, Doctor Don José Luiz Gomez Sanchez.

Who, after having examined their full powers and found them in good and due form, have agreed upon the following Articles:

ART. I. The Government of Peru will pay the aforesaid capital sum of 2,000,000 dollars, which began to bear interest at 3 per cent. per annum from January 1 this year, assigning 1 per cent. on that debt as a fund of redemption, and the sum of 20,000 dollars, being the annual amount at that rate on the capital of 2,000,000, will be applied every year in the redemption of the debt, the payment to be made December 31 of each year.

II. The first payment in redemption shall be made December 31, 1855.

III. The Government of Peru will pay at the end of each half-year, on June 30 and December 31, the interest of 3 per cent. per annum, on the aforesaid capital sum of 2,000,000, for which the sum of

60,000 dollars annually is destined, in conformity with Article II of the Convention before cited; these payments, as well as that of the redemption, having to be made in this capital in gold or silver money of good standard, the Government of Peru paying the exchange for the costs of remittance to London, at the current market rate, at the dates when the payments are to be made; that Government being, nevertheless, at liberty to make the payments in the city of London, in which case they shall be to the full amount in pounds sterling, without discount or expense on the part of Chile.

IV. The interest for the present year shall be paid to the Government of Chile separately.

V. The surplus of the sum assigned for the payment of interest, which will remain each year in consequence of the decrease of the capital of the debt, will likewise be applied to the redemption, and will go to increase the fixed fund destined thereto by Article I.

VI. The Government of Peru assigns and hypothecates to the payment of the redemption fund of the said debt, and of the interest of 3 per cent. thereon, the produce of the national revenues, and especially that of the sale of guano in The United States, to the extent necessary to meet those obligations.

VII. In case the Government of Chile should propose to transfer the said debt or to destine it to other purposes, and should request the issue of bonds, the Government of Peru will issue them to the number that may be required, and to the amount sufficient to cover such part of the debt as may then be unredeemed. The bonds shall be payable to the bearer, each having the coupons of interest belonging to it, and a note of the present arrangement.

VIII. The transfer of these bonds shall not alter the nature of the debt, nor prejudice the holders thereof, but the payment of the redemption and interest shall take place without fail until its extinction, on the aforesaid days of each year, and to the amounts assigned for the purposes.

IX. The redemption of the bonds shall take place by the Government of Peru purchasing the corresponding number of them every year at the current market price.

X. If at any time the price of these bonds should be above par, the redemption shall be made by lot, and the bonds so drawn shall be paid at par, until the aforesaid fixed fund has been expended, and the surplus of the sum assigned for the payment of interest.

XI. If the transfer of the bonds should be made in The United States, their redemption and the payment of the interest thereon shall take place annually at New York by the agents of the Peruvian Government, at the stipulated dates and with the funds destined for the purpose.

Whereupon, the Plenipotentiaries have signed the present arrangement in quadruplicate, and have sealed it, at Lima, on the 7th of November, 1854.

(L.S.) VICTORINO GARRIDO.

(L.S.) JOSE LUIS G. SANCHEZ.

Declarations between France and Monaco
relative to Reciprocal Reduction of Taxes,
signed at Paris, 8 November 1854

THESE are here reproduced from *British and Foreign State Papers*, vol. XLIV, p. 1073, the text of the Imperial decree promulgating the Declarations, which are printed also by De Clercq, *Recueil des Traités de la France*, vol. VI, p. 471.

FRENCH TEXT

DECRET Impérial, portant promulgation des Déclarations signées le 8 Novembre, 1854, entre la France et la Principauté de Monaco, relativement à des Réductions Mutuelles de Taxes entre les 2 Etats.—Paris le 5 Décembre, 1854.

NAPOLEON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut.

Ayant vu et examiné les Déclarations signées, le 8 Novembre, 1854, par notre Ministre et Secrétaire d'Etat au Département des Affaires Etrangères, en notre nom, d'une part, et par son Altesse le Prince de Monaco, d'autre part, relativement à des réductions

mutuelles de taxes entre la France et la principauté, et ayant approuvé lesdites Déclarations, dont la teneur suit :

Déclaration de Sa Majesté l'Empereur des Français.

SA Majesté l'Empereur des Français et son Altesse le Prince de Monaco voulant encourager et étendre les relations de commerce et de navigation entre leurs Etats respectifs, le Soussigné, Ministre Secrétaire d'Etat au Département des Affaires Etrangères, en vertu des ordres de Sa Majesté l'Empereur, fait la déclaration suivante :

1° Le droit actuel sur les huiles d'olive de production du sol de la Principauté de Monaco, importées en France sous pavillon Français ou sous celui de la Principauté sera réduit au taux uniforme de 15 francs les 100 kilogrammes, jusqu'à concurrence d'une importation de 180,000 kilogrammes au maximum.

2° Le pavillon de la Principauté de Monaco sera assimilé, dans les ports Français, au pavillon Sarde, pour le paiement des taxes de navigation.

Cette double concession est faite sous la condition expresse que les droits imposés sur les vins de table de production Française, importés directement, sous pavillon Français ou sous celui de la Principauté, seront réduits, savoir :

Pour les vins en cercles, à 3 francs 30 centimes par hectolitre ;

Pour les vins en bouteilles, à 10 centimes par bouteilles ne dépassant pas le litre.

La présente Déclaration aura la même durée que le Traité de commerce et de navigation conclu, le 14 Février, 1852, entre la France et la Sardaigne.

En foi de quoi, le Soussigné, Ministre Secrétaire d'Etat au Département des Affaires Etrangères, a signé la présente Déclaration pour être échangée contre une Déclaration semblable de son Altesse le Prince de Monaco.

Fait en l'hôtel du Ministre des Affaires Etrangères, le 8 Novembre, 1854.

(L.S.) DROUYN DE LHUYS.

Déclaration de Son Altesse le Prince de Monaco.

SA Majesté l'Empereur des Français et son Altesse le Prince de Monaco voulant encourager et étendre les relations de commerce et de navigation entre leurs Etats respectifs, son Altesse fait la déclaration suivante :

Les droits sur les vins de table de production Française, importés directement dans la principauté de Monaco, sous pavillon Français ou sous celui de la Principauté, seront réduits, savoir :

Pour les vins en cercles, à 3 francs 30 centimes par hectolitre

Pour les vins en bouteilles, à 10 centimes par bouteilles ne dépassant pas le litre.

Cette concession est faite sous la condition expresse,

1° Que le droit actuel sur les huiles d'olive de production du sol de la Principauté de Monaco, importées en France sous pavillon Français ou sous celui de la Principauté sera réduit au taux uniforme de 15 francs les 100 kilogrammes, jusqu'à concurrence d'une importation de 180,000 kilogrammes au maximum ;

2° Que le pavillon de la Principauté de Monaco sera assimilé, dans les ports Français, au pavillon Sarde, pour le payement des taxes de navigation.

En foi de quoi, son Altesse le Prince de Monaco a signé la présente Déclaration pour être échangée contre une Déclaration semblable de M. le Ministre Secrétaire d'Etat au Département des Affaires Etrangères de Sa Majesté l'Empereur des Français.

Fait à Paris, le 8 Novembre, 1854.

(L.S.) FLORESTAN, PRINCE DE MONACO.

Sur le rapport de notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères.

Nous avons décrété et décrétons ce qui suit :

ART. I. Les susdites Déclarations recevront leur pleine et entière exécution à partir du 1 Janvier, 1855.

II. Notre Ministre et Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent décret.

Fait à Paris, le 5 Décembre, 1854.

Par l'Empereur :

NAPOLEON.

Le Ministre des Affaires Etrangères, DROUYN DE LHUYS.

Telegraph Convention between Denmark
and Sweden-Norway,
signed at Copenhagen, 23 November 1854

THIS Convention is reproduced here from Rydberg, *Sverges och Norges Traktater med Främmande Magter*, vol. XI, p. 286.

SWEDISH TEXT

Hans Majestät Konungen af Sverige och Norrige och Hans Majestät Konungen af Danmark, lifvade af den önskan att närmare sammanknyta de band, som förena deras respektive Stater, och inseende nyttan och fördelarne af en förbindelse emellan de i Sverige och Danmark befintlige Telegraf-ledningar, hafva beslutat upprätta en sådan förbindelse, och genom en Convention närmare bestämma sättet och villkoren för dess inrättning och begagnande, samt i detta ändamål till deras befullmäktigade ombud utnämnt, nemligen:

Hans Maj:t Konungen af Sverige och Norrige:

Dess Envoyé Extraordinaire och Ministre Plénipotentiaire vid Kongl. Danska Hofvet, Kammarherren, Commendeuren med Stora korset af Kongl. Nordstjerne Orden och af Kongl.

Norska S:t Olofs Orden, Storkors af Kongl. Danska Dannebrogsg- och af Storhertiglaga Badiska Zähringer-Löwen-Orden, Riddaren af Kejserliga Österrikiska Jernkrone Ordens 2:dra class samt af Kejserliga Ryska S:t Stanislai Ordens 2:dra class med Crachan, Friherre Elias Lagerheim; och

Hans Maj:t Konungen af Danmark:

Dess Finance-Minister, Kammarherren, Storkors af Kongl. Dannebrogsgs Orden och Dannebrogsgsman, Commendeuren med Stora korset af Kongl. Svenska Nordstjerne Orden och Äre-Storkors af Storhertiglaga Oldenburgske Hertig Peter Fredrik Ludvigs Hus- och Förtjenst Orden, Grefve Wilhelm Carl Eppingen Sponneck, samt

Dess Telegraf-Directeur, Riddaren af Dannebrogsgs Orden, Peter Christian Faber;

hvilka, efter att hafva utvexlat deras i god och behörig form befunne fullmagter, hafva öfverenskommit om följande artiklar:

Art. 1. Konglig Svenska och Konglig Danska Regeringarne hafva öfverenskommit att med lika deltagande i anläggnings- och underhållskostnader, hvilka sålunda till hälften af hvar-dera af de Höga Regeringarne bestridas, tillvägabrinda en elektrisk telegraf-förbindelse emellan de i de respektive rikena befintlige telegraf-linier, och enär såväl anläggningen som den framtida bestyrelsen af den för åstadkommande af denna förbindelse erforderliga linie, så vidt möjligt är, bör öfvertagas af en enda Regering, åtager sig den Kongl. Danska Regeringen, hvilken redan är i besittning af de i sådant hänseende behöflige hjälpmedel, att företaga och leda anläggningen af linien äfvensom att densamma för gemensam räkning underhålla och förvalta under de villkor, som i det följande närmare bestämmas.

Art. 2. Den Kongl. Danska Regeringen ombesörjer, så fort som möjligt är, utläggningen af en af 3:ne trådar bestående, men i öfrigt efter nämnde Regerings eget godtfinnande inrättad, undervattens-ledning emellan Seland och Sverige. Ledningen kommer antingen att föras direkte öfver ön Hven eller omkring densamma, allt efter som den Kongl. Danska Regeringen anser lämpligt, likasom öfverhufvud valet af utgånpspunkter på Seländska och Svenska kusterna, till

hvilka ledningen kommer att föras i land, öfverlemnas till nyssnämnda Regerings godtfinnande. I händelse först antydda alternativ godkännes, eller att linien kommer att gå öfver ön Hven, öfvertager Kongl. Svenska Regeringen utförandet af landlinien, hvilken på bemälda ö skall förena ledningens slutpunkter. Vid undervatten-ledningens nedläggning skall en Kongl. Svensk embetsman, af Regeringen bemyndigad att requirera vederbörande lokal-auktoriteters biträde, vara tillstädes för att från Svensk sida lemna behörigt understöd.

Från telegraf-liniens hufvud-ändpunkter föres, enligt en närmare, efter öfverenskommelse mellan de ömsesidiga Telegraf-styrelserna, fastställd plan, ett tillräckligt antal landledningstrådar på Danska sidan, genom föranstaltande af Kongl. Danska Regeringen, till den Danska Telegraf-stationen i Helsingör, och på den Svenska sidan, genom Kongl. Svenska Regeringens åtgärd till Helsingborg. I denna stad kommer fördenskull en Kongl. Dansk telegraf-station att inrättas för det ändamål, att vederbörande derstädes må kunna utväxla depescher med den der anställde Kongl. Svenska telegraf-stationen.

Omkostnaderne för anläggning och underhåll af den Kongl. Danska telegraf-stationen i Helsingborg bestridas af de Höga Kontraherande Regeringarne gemensamt (§ 1). Landlinierna från Seländska kusten till Helsingör och från den Svenska till Helsingborg bekostas och underhållas deremot af den Kongl. Regering desamma tillhöra.

Art. 3. Den Kongl. Svenska Regeringen anvisar en för den Danska telegraf-stationen i Helsingborg erforderlig lokal, emot en lämplig årlig godtgörelse, hvilken lägges till de öfrige med anläggningens byggande, underhåll och begagnande förbundne utgifter. Vid valet af denna lokal sökes den största möjliga närhet emellan denna och den i Helsingborg varande Kongl. Svenska telegraf-stationen; och böra dessa telegraf-stationer hälst i ett hus förenas.

Art. 4. De på den Kongl. Danska telegraf-stationen i Helsingborg antagne Kongl. Danska embetsmän bibehålla sin Danska statsborgare-rätt. Vid utförandet af sina embetspligter lyda de under den Danska telegraf-styrelsen, hvaremot

de i alla andra förhållanden böra underkasta sig de Kongl. Svenska myndigheterna. De äro under alla omständigheter befriade från hvarje slag af militärtjänst.

Art. 5. Likasom de Höga Kontraherande Magterna i allmänhet vilja iakttaga den största möjliga hushållning vid utförandet af de arbeten, som äro eller varda en hvar särskildt uppdragne, så komma icke andra utgifter att upptagas i räkning än de, hvarmed de respektive Statskassorne särskildt af denna orsak blifva betungade. Den Kongl. Danske Regeringen skall nemligen icke beräkna någon godtgörelse för bruket af de i samma Regerings värjo varande maskiner, som vid detta tillfälle möjligen komma att begagnas; och i fall ett eller flera af Regeringens skepp användas vid telegrafledningens nedläggning, kan endast godtgörelse fordras för de dervid specielt förekommande utgifter. Likaledes skall ingen godtgörelse påföras för det biträde, som i embetsväg lemnas af de Höga Kontraherande Magternas tjänstemän, med undantag af dem verkligen ådragne utgifter, såsom resor och dylikt. Detta utesluter likväl icke betalning af passande honorarier, i anledning af något, utom den allmänna embetsverksamheten liggande, specielt biträde vid de arbeten för gemensam räkning, som till följd af denna Convention kunna uppkomma.

För öfrigt äro de kontraherande Magterna, med hänsigt till hela liniens anläggning, icke underkastade andra inskränkningar än dem, som i närvarande Convention uttryckligen bestämmas; och skola de, hvad beträffar de härigenom uppkommande utgifter, icke vara pligtige att till dem på förhand inhemta ömsesidigt bemyndigande.

Art. 6. I afseende på framtida underhållet och förvaltningen af den del af anläggningen, hvilken, på grund af Artikeln 1, för gemensam räkning är uppdragen åt den Kongl. Danske Regeringen, gälla följande bestämmelser:

a) Ehuru den Kongl. Danske Regeringen icke behöfver förut inhemta Kongl. Svenska Regeringens samtycke vid utförandet af förefallande reparations- och underhållsarbeten, erfordras likväl vid hvarje större arbete, hvarmed anläggningen utvidgas utöfver dess första här ofvan bestämda omfång, sistnämnda Regerings särskilda samtycke, såsom

vid nedläggande af en ny telegrafledning, antingen på hela sträckningen eller från ön Hven till en af de ofvanför liggande kusterna; och likaledes kan ett successivt förökande af landliniens trådar icke äga rum, med mindre de Höga Kontraherande Magterna derom blifva enige.

b) Då reparations- och underhållsarbeten skola utföras på Svenskt område, och namnligen vid de sjömärken, som böra utsättas för att angifva underhafsträdens rättning, sker sådant efter anmälan hos och under uppsigt af vederbörande Kongl. Svensk lokalmyndighet, hvilken för öfrigt från Svensk sida erhåller en allmän föreskrift i sådant hänseende och framför allt rörande det dervid erforderliga biträde vid arbetets utförande.

c) De Höga Kontraherande Magterna förpligta sig ömsesidigt, att, med alla till deras rådighet stående medel, skydda anläggningen mot alla uppsåtliga eller icke uppsåtliga skador och åverkningar.

d) De i Artikeln 5 bestämda grunder för den hushållning, som skall följas under anläggningen och det kostnadsfria begagnandet af dertill hörande hjälpmedel, skola äfven i afseende å underhållet och förvaltningen vara gällande.

e) Då omkostnaderna vid anläggningen af den Kongl. Danska Telegrafstationen i Helsingborg och densamma förvaltning i följd af Artikeln 2 höra till de gemensamma utgifterna, gör den Danska Regeringen icke anspråk på någon ersättning för de tjänster, som i omförmälda anläggningsintresse erhållas af den Kongl. Telegrafstationen i Helsingör, lika så litet som den Kongl. Svenska Regeringen för de tjänster, som lemnas af den Kongl. Svenska Telegrafstationen i Helsingborg.

f) De vid liniens begagnande inflytande gemensamma inkomster användas i första rummet till bestridande af de gemensamma utgifterna för förvaltning och underhåll. Det härefter möjligen blifvande öfverskott delas lika emellan de Höga Kontraherande Regeringarne.

Art. 7. Efter fullbordandet af linien, skall densamma öppnas så fort möjligt är, så väl till befordrande af de Höga Kontraherande Magternas egna Stats-depescher, som till annat bruk. Likväl förbehålla sig de Kontraherande

Magterna rättighet att, efter öfverenskommelse, antingen upphäfva eller inskränka liniens begagnande när och för så lång tid de anse det nödvändigt.

Art. 8. Depescherne befordras i följande ordning:

1) Kongl. Danska samt Kongl. Svenska och Norska Stats-depescher, det vill säga: depescher från de Höga Potentaterna sjelfva, Deras Ministerier, Departementer och Regerings-kollegier samt Deras respektive accrediterade Missions-Chefer. Då Stats-depescher samtidigt ingått från begge de Höga Kontraherande Magterna, befordras de i afvexlande ordning.

2) Depescher rörande sjelfva telegraf-tjensten.

3) Stats-depescher från Utländska Regeringar, med hvilka de Höga Kontraherande Magterna afsluta särskild öfverenskommelse angående skyndsam afsändning af sådana depescher.

4) Enskilda depescher, derunder inbegripne alla främmande Stats-depescher, för hvilka skyndsam afsändning icke är förbehållen, äfvensom depescher från andra Kongl. Danska eller Kongl. Svenska myndigheter, än de, hvilka i det föregående blifvit omnämnde.

Art. 9. För befordring af en depesch emellan Helsingör och Helsingborg betalas:

för 1—25 ord: 1 daler danskt riksmünt eller 1 R:dr 16 sk. svenskt banco;

för 26—50 ord: 2 daler danskt riksmünt eller 2 R:dr 32 sk. svenskt banco;

för 51—100 ord: 3 daler danskt riksmünt eller 4 R:dr svenskt banco.

När en depesch innehåller öfver 100 ord, beräknas taxan för de öfverskjutande orden såsom en särskild depesch.

Art. 10. För öfrigt gälla för liniens begagnande de bestämmelser, som Reglementet för den Kongl. Danska Telegraf-linien innehåller.

Art. 11. Det tillskott i anläggningskostnaderne, hvilket, i öfverensstämmelse med Artikeln 1, kommer att utbetalas af den Kongl. Svenska Regeringen, erlägges antingen medelst successive à conto afbetalningar under arbetets framskridande, eller ock, så vida Kongl. Danska Regeringen det heldre

önskar, efter anläggningens fullbordan, då den Kongl. Danske Regeringen tillställer den Svenska en omständlig beskrifning öfver hela arbetet, jemte dervid förefallne utgifter.

Utbetalningen af det ofvannämnda tillskottet sker i danskt riksmünt och räknas 1 Riksdaler danskt riksmünt lika med 1 Riksdaler 16 skillingar svenskt banco.

Art. 12. I afseende å räkenskapernas afgifvande och kontrollen dervid under liniens begagnande, iakttages följande:

a) På den Danske Telegraf-stationen i Helsingborg föras särskilda journaler in duplo öfver de på stationen afsände och emottagne depescher, hvilka qvartaliter insändas till Kongl. Danske Telegraf-styrelsen.

b) Qvittencer å samtliga betalde räkningar inlemnas, likaledes in duplo, till Kongl. Danske Telegraf-styrelsen.

c) Nyssnämnda Styrelse utarbetar och afsänder efter emottagande af förenämnde handlingar, till Kongl. Svenska Telegraf-styrelsen, för hvarje qvartal, omständliga räkenskaper öfver inkomster och utgifter, åtföljde af det ena exemplaret utaf ofvannämnde journaler och qvittencer.

d) Slutlig afräkning uppgöres vid utgången af hvarje kalenderår. Utbetalningen af Kongl. Svenska Regeringens halfva andel i möjligen uppkommet inkomst-öfverskott sker från dansk sida i svenskt banco. Det Kongl. Svenska Regeringen åliggande tillskott utbetalas i danskt riksmünt. Förhållandet emellan danskt riksmünt och svenskt banco blir det i Artikeln 11 förut omnämnda.

e) Kongl. Svenska Telegraf-direktören eller den embetsman, som af Kongl. Svenska Regeringen dertill bemyndigas, skall alltid, vid hvilken tid som helst, efter att hafva aflagt ed derpå att icke uppenbara de depescher, hvilkas innehåll kommer till hans vetskap, hafva fri tillgång till Kongl. Danske Telegraf-stationen i Helsingborg, och vara berättigad att genomse de på stationen förda och der befintliga journaler, som kunna gifva någon upplysning om liniens begagnande, samt de härmed sammanhang ägande ekonomiska förhållanden. Likaså skall hvarje efterfrågan från Kongl. Svenska Regeringens sida om de förhållanden, som röra telegraf-anläggningen, blifva besvarade af Kongl. Danske Telegraf-styrelsen inom lämplig tid.

Art. 13. Skulle afbrott uppstå vid begagnandet af linien, befordras depescherna på bästa sätt emellan Helsingör och Helsingborg med ångbåt eller seglande båtar efter öfverenskommelse emellan vederbörande Telegraf-styrelser.

Art. 14. De Höga Kontraherande Magterna förbinda sig att, på lämpligt vis, sätta sina respektive Stats-telegraflinier i förbindelse med den här omtalade anläggning, så att depescher, som från Danmark eller genom Danmark från utlandet befordras till Kongl. Danske Telegraf-stationen i Helsingborg, må kunna, utan uppehåll och med säkerhet, blifva vidare befordrade på de svenska linierne, och likaså i omvänt förhållande. Villkoren för denna ömsesidiga depeschbefordring skola, så fort möjligt är, genom en särskild öfverenskommelse ordnas och bestämmas.

Art. 15. Ingendera af de Höga Kontraherande Magterna må inrätta eller gifva tillstånd till en undervattens-telegraf-förbindelse med ett annat land, hvarigenom begagnandet af nu bestämda linie i någon betydlig grad kunde komma att förminskas, med mindre än att ersätta den andra Magten den härigenom uppkommande förlust. Detta gäller icke för den af Kongl. Danske Regeringen åt Nord-Amerikanske medborgaren Shaffner från staten Kentucky redan medgifna tillåtelse att anlägga och begagna en telegraf-linea från Nord-Amerika till Köpenhamn.

Skulle det från Svensk sida beslutas att anlägga en ytterligare undervatten-ledning, eller på annat sätt verkställa eller meddela tillåtelse till direkt telegraf-förbindelse med en utanför Danmark liggande punkt i Östersjön, söder om norra spetsen af hertigdömet Kurland, skall Kongl. Svenska Regeringen, innan en sådan telegraf-förbindelse träder i verksamhet, eller en sådan tillåtelse gifves, återbetala till Kongl. Danske Regeringen hela det belopp, hvarmed sistnämnda Regering bidragit till den i närvarande Convention omhandlade anläggning. Deremot skall Kongl. Svenska Regeringen vara berättigad att, utan ersättning, låta anlägga och begagna en direkt telegraf-förbindelse emellan svenska kusten och hvilken punkt som helst norr om Kurland.

I den händelse att den i denna Artikel omnämnda inlösen af underhafs-telegraf-ledningen i Sundet kommer att

äga rum, är det de Höga Kontraherande Magternas afsigt, att genom en ny Convention bestämma villkoren för den telegraf-förbindelse, som emellan Sverige och Danmark kommer att fortfara.

Art. 16. Rörande förhållanden, hvilkas afgörande för den inhemska telegraf-tjensten beror af vederbörande Kongl. Svenska och Kongl. Danska Telegraf-styrelserna, kunna dessa Styrelser träffa öfverenskommelser, hvarigenom närvarande Convention suppleras, äfven om mindre väsendtliga afvikelser från densamma derigenom uppstå, likväl så, att dessa alltid öfverensstämma med andan i denna Convention.

Art. 17. Denna Convention är afslutad för en tidrymd af 25 år, räknad från den dag, på hvilken den blifvit försedd med de Höga Kontraherande Magternas stadfästelse; och kommer densamma, i fall den icke 12 månader före den fastställda terminens förlopp blifvit från någondera sidan uppsagd, att ännu ett år vara gällande, och sålunda allt framgent, intilldess ett år efter skedd uppsägning förflutit.

Till yttermera visso hafve vi, befullmäktigade Ombud, denna Convention undertecknat och med våra sigiller försett.

Gifvet i Köpenhamn den 23 november år Ett tusen åtta hundra femtiofyra.

Den vidstående danska texten är undertecknad

E. Lagerheim.

(L. S.)

W. C. E. Sponneck.

(L. S.)

P. Faber.

(L. S.)

Ratificerad i Stockholm den 2 december 1854 och i Köpenhamn den 9 s. m.

Telegraph Convention between France
and Spain,
signed at Madrid, 24 November 1854

THIS text is reproduced from De Clercq, *Recueil des Traités de la France*, vol. VI, p. 473, The Convention, which was replaced by that of 17 May 1865, is printed also by Olivart, *Tratados etc. de España*, vol. II, p. 311.

FRENCH TEXT

S. M. l'Empereur des Français et S. M. la Reine d'Espagne, voulant assurer à la correspondance télégraphique entre leurs Etats respectifs les avantages d'un tarif uniforme et de règlements identiques, et convaincus que le moyen le plus à propos pour l'obtenir est celui de conclure une Convention, ont nommé leurs Plénipotentiaires à cet effet, savoir :

S. M. l'Empereur des Français, M. Louis-Félix-Etienne marquis *Turgot*, Sénateur de l'Empire, Grand-Officier de l'Ordre Impérial de la Légion d'Honneur, Grand-Croix des Ordres de Charles III d'Espagne, des Saints Maurice et Lazare de Piémont, de Saint-Janvier de Naples, du Lion Néerlandais, de Pie IX de Rome, du Danebrog de Danemark, chevalier de deuxième classe de l'Ordre de Saint-Ferdinand d'Espagne, son Ambassadeur près S. M. C.;

Et S. M. la Reine d'Espagne, Don Joaquin-Francisco *Pacheco*, Grand-Croix de l'Ordre du Christ du Portugal, Membre surnuméraire de l'Académie Royale Espagnole, Conseiller de celle de Saint-Ferdinand, Député aux Cortès, et son premier Secrétaire d'Etat au département des Affaires Etrangères, etc.;

Lesquels, après avoir échangé leurs pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants :

ART. 1^{er}. Tout individu aura le droit de se servir des télégraphes électriques internationaux des Etats Contractants; mais chaque Gou-

vernement se réserve la faculté de faire constater l'identité de tout expéditeur qui demandera la transmission d'une ou de plusieurs dépêches.

ART. 2. Le service des télégraphes électriques établis ou à établir par les Etats Contractants sera soumis, en ce qui concerne la transmission et la taxe des dépêches internationales, aux dispositions ci-après, chaque Gouvernement se réservant expressément le droit de régler à sa convenance le service et le tarif télégraphiques pour les correspondances à transmettre dans les limites de ses propres lignes, et restant, dans l'un et l'autre cas, entièrement libre quant au choix des appareils à employer et quant aux mesures à prendre pour la sécurité des lignes et pour la police et le contrôle des correspondances. Les dépêches internationales sont celles qui, partant de l'une des stations de l'un des Etats Contractants, sont destinées à l'une des stations de l'autre Etat.

ART. 3. Les Etats qui n'ont point pris part à la présente Convention seront admis, sur leur demande, à y accéder.

ART. 4. Les H. P. C. prennent l'engagement de se communiquer réciproquement tous les documents relatifs à l'organisation et au service de leurs lignes télégraphiques, aux appareils qu'elles emploient, comme aussi tout perfectionnement qui viendrait à avoir lieu dans le service. Elles émettent le vœu que l'appareil électrique dont l'expérience aura constaté la supériorité pratique sur tous les autres soit adopté uniformément, surtout pour la transmission des correspondances internationales.

ART. 5. Les Gouvernements Contractants s'efforceront de réunir leurs fils télégraphiques de manière à pouvoir donner passage, sans interruption à la frontière, et d'une extrémité à l'autre des plus longues lignes, aux dépêches internationales. Provisoirement, il pourra être fait, au point de jonction des lignes internationales, une reproduction télégraphique des dépêches destinées à être transmises de l'un des Etats dans l'autre.

ART. 6. Chaque Gouvernement conserve la faculté d'interrompre le service de la télégraphie internationale pour un temps indéterminé, s'il le juge convenable, soit pour toutes les correspondances, soit seulement pour certaines natures de correspondances; mais aussitôt qu'un Gouvernement aura adopté une mesure de ce genre, il devra en donner immédiatement connaissance à l'autre Gouvernement.

ART. 7. Les Etats Contractants déclarent n'accepter aucune responsabilité à raison du service de la correspondance internationale par voie télégraphique.

ART. 8. Les dépêches seront classées dans l'ordre suivant : 1° Dépêches d'Etat, c'est-à-dire celles qui émaneront du Chef de l'Etat, des ministres et des chefs des missions diplomatiques accréditées auprès de l'une des deux Hautes Parties Contractantes ; les dépêches diplomatiques des puissances étrangères à la présente Convention seront considérées et traitées comme celles des particuliers ; 2° Dépêches de service exclusivement consacrées au service des télégraphes internationaux ; 3° Enfin dépêches des particuliers.

La transmission des dépêches aura lieu dans l'ordre de leur remise par les expéditeurs ou de leur arrivée aux stations de destination, en observant les règles de priorité ci-après : 1° Dépêches d'Etat ; 2° Dépêches de service ; 3° Dépêches des particuliers.

Une dépêche commencée ne pourra être interrompue, à moins qu'il n'y ait urgence extrême à transmettre une communication d'un rang supérieur.

ART. 9. Lorsqu'une interruption dans les communications sera signalée après l'acceptation d'une dépêche, le bureau à partir duquel la transmission sera devenue impossible mettra à la poste, et par lettre recommandée, une copie de la dépêche, sous chargement d'office, ou la transmettra en service par le plus prochain convoi. Il l'adressera, selon les circonstances, soit au bureau le plus rapproché en mesure de lui faire continuer la voie télégraphique, soit au bureau de destination, soit directement au destinataire. Aussitôt que la communication sera rétablie, la dépêche sera transmise de nouveau, au moyen du télégraphe, par le bureau qui en aura fait l'envoi, par la poste ou par le chemin de fer.

ART. 10. Les bureaux télégraphiques respectifs seront autorisés à recevoir les dépêches pour des localités situées en dehors des lignes télégraphiques.

Elles seront rendues à leur destination par la poste au moyen de lettres recommandées, ou par exprès, si l'expéditeur en fait la demande. L'indication donnée par l'expéditeur pour le mode de transport d'une dépêche au-delà des lignes télégraphiques, n'entrera pas dans le compte des mots.

ART. 11. Les dépêches à transmettre devront être écrites à l'encre, sans rature ni abréviation, avec clarté, et dans un langage intelligible. Elles devront être datées et porter la signature de l'expéditeur, ainsi que l'adresse bien précise du destinataire.

ART. 12. Les dépêches d'Etat devront être revêtues toujours du timbre ou du cachet de l'expéditeur ; elles pourront être écrites en chiffres arabes ou en caractères alphabétiques faciles à reproduire par les appareils en usage, ou bien encore être libellées en français

ou en espagnol; elles seront transmises en signes, lettres ou nombres également en usage dans les bureaux télégraphiques. La transmission des dépêches d'Etat sera de droit; les bureaux télégraphiques n'auront aucun contrôle à exercer sur elles.

ART. 13. Les dépêches de service et celles des particuliers ne pourront pas être écrites en chiffres; elles seront rédigées, au choix de l'expéditeur, en français ou en espagnol.

ART. 14. Les bureaux télégraphiques, au point de départ et au lieu de destination de chaque dépêche, auront le droit de refuser de l'expédier ou de la transmettre, si la teneur leur paraît contraire aux bonnes mœurs ou à la sécurité publique.

Le recours contre de semblables décisions sera adressé à l'administration centrale des stations où elles auront été prises.

Dans tous les cas, les administrations centrales télégraphiques de chaque Etat auront la faculté d'arrêter la transmission de toute dépêche qui leur paraîtrait offrir quelque danger.

ART. 15. Les bureaux télégraphiques seront ouverts tous les jours, y compris les dimanches et fêtes, du 1^{er} avril à la fin de septembre, depuis sept heures du matin jusqu'à neuf heures du soir; et du 1^{er} octobre à la fin de mars, depuis huit heures du matin jusqu'à neuf heures du soir.

Les heures d'ouverture et de clôture seront les mêmes dans les deux Etats, et l'heure de tous les bureaux télégraphiques de chaque pays sera celle du temps moyen de la capitale de ce pays.

Le travail hors des heures ci-dessus indiquées sera réputé travail de nuit et taxé comme tel. Cependant la dépêche dont la transmission se trouvera commencée de jour devra nécessairement être achevée entre les deux bureaux où elle sera engagée, sans avoir à subir la surtaxe de nuit.

ART. 16. Aucune dépêche de nuit ne sera acceptée qu'autant qu'elle aura été annoncée pendant le service de jour, et qu'on aura indiqué l'heure où elle sera déposée dans le bureau de départ. Un règlement spécial déterminera les conditions du service de nuit et le temps pendant lequel les bureaux de chaque Etat devront attendre la dépêche annoncée.

ART. 17. Les H. P. C. s'engagent à prendre toutes les mesures nécessaires pour assurer le secret des correspondances télégraphiques.

ART. 18. Les H. P. C. adoptent, pour la formation des tarifs dont la réunion constituera le tarif international, les bases dont la teneur suit, savoir :

BASES						
PAR DISTANCES.	PAR MOTS.					
	De 1 à 25 mots inclusivement.		De 26 à 50 mots inclusivement.		De 51 à 100 mots inclusivement.	
	fr. c.	r. m.	fr. c.	r. m.	fr. c.	r. m.
De 1 à 75 kilom. inclusiv ^t .	2 50	9 17	5 00	19 00	7 50	28 17
De 76 à 190.....	5 00	19 00	10 00	38 00	15 00	57 00
De 191 à 340.....	7 50	28 17	15 00	57 00	22 50	85 17
De 341 à 525.....	10 00	38 00	20 00	76 00	30 00	114 00
De 526 à 750.....	12 50	47 17	25 00	95 00	37 50	142 17
De 751 à 1,015.....	15 00	57 00	30 00	114 00	45 00	171 00

NOTA. L'équivalent entre la monnaie espagnole et la française a été admis à raison de 5 francs pour 19 réaux.

ART. 19. Les fractions égales ou supérieures à la moitié de l'unité compteront comme unité. Les fractions inférieures seront négligées.

ART. 20. Pour l'application des taxes, la distance parcourue par une dépêche sera comptée en ligne droite sur le territoire de chaque Etat, depuis le lieu de départ jusqu'au point de la frontière où elle arrivera, et de celui-ci au lieu de sa destination. Il en sera de même pour son transit de frontière à frontière dans chaque Etat.

ART. 21. Les règles suivantes seront observées pour appliquer la taxe au nombre de mots :

Les mots réunis par un trait d'union ou séparés par une apostrophe compteront pour le nombre de mots qu'ils contiennent ; mais le maximum de longueur d'un mot sera fixé à sept syllabes ; l'excédant sera compté pour un mot ;

Les traits d'union, les apostrophes, les signes de ponctuation, les alinéa ne seront pas comptés ; mais les autres signes le seront pour le nombre de mots qui auront été employés à les exprimer.

En règle générale, on ne transmettra d'autres signes de ponctuation que le point.

Tout caractère isolé (lettre ou chiffre) comptera pour un mot.

Tout nombre, jusqu'au maximum de cinq chiffres inclusivement, sera compté pour un mot ; les nombres de plus de cinq chiffres représenteront autant de mots qu'ils contiendront de fois cinq chiffres, plus un mot pour l'excédant. Les virgules, les barres de division seront comptées pour un chiffre ; les adresses et la date seront comptées dans l'évaluation des mots composant la dépêche,

La date pourra être indiquée par le jour de la semaine.

Le nom du signataire ne comptera que pour un mot, mais les ti-

tres, prénoms particuliers et qualifications seront comptés pour le nombre de mots qui seront employés à les exprimer.

Tous les signes ou mots que l'administration ajoutera à une dépêche dans l'intérêt du service ne seront pas comptés.

ART. 22. La longueur d'une dépêche est fixée à cent mots. Au-delà de cent mots, la taxe d'un à vingt-cinq mots recommencera à être appliquée.

La transmission des dépêches dont le texte dépassera cent mots pourra être retardée pour céder la priorité à des dépêches plus brèves, quoique inscrites postérieurement.

Un même expéditeur ne pourra faire passer plusieurs dépêches consécutives que dans le cas où le service de l'appareil ne serait pas réclamé par d'autres personnes. Cette réserve ne s'appliquera pas aux dépêches d'Etat.

ART. 23. Tout expéditeur qui exigera du bureau de destination l'accusé de réception d'une dépêche payera, pour le recevoir, le quart de la somme qu'aura coûtée la transmission d'une dépêche de vingt-cinq mots. Il payera la moitié de la somme qu'aura coûtée la transmission de sa dépêche, s'il demande qu'elle lui soit renvoyée tout entière pour être collationnée. Le destinataire pourra aussi demander que la dépêche reçue puisse être collationnée, mais il devra payer une seconde fois la taxe entière.

ART. 24. La réponse pourra être payée d'avance par l'expéditeur qui la demandera.

ART. 25. Les dépêches qui devront être communiquées ou déposées à des stations intermédiaires seront considérées et taxées comme autant de dépêches séparées envoyées à chaque lieu de destination.

ART. 26. Il sera payé pour les dépêches dont il devra être délivré plusieurs copies dans un lieu de station, un supplément d'un franc pour chaque exemplaire à remettre en sus de la dépêche primitive.

ART. 27. Les dépêches de nuit seront soumises à une taxe double. Les taxes prélevées pour collationner une dépêche ou pour recevoir une réponse seront doublées, lors même que ces opérations n'auront pu s'effectuer que de jour, à moins que l'expéditeur n'ait demandé qu'elles le soient de jour. Dans ce cas, il en sera fait mention dans la minute de la dépêche. L'accusé de réception est soumis également à double taxe, s'il est exigé pendant la nuit.

ART. 28. Le minimum à déposer comme arrhes, au moment où la dépêche sera annoncée, sera égal à la taxe de un à vingt-cinq mots au tarif des dépêches de nuit. Lorsque la dépêche ne sera pas présentée à l'heure annoncée, le montant des arrhes sera acquis et partagé de la même manière que les autres recettes internationales.

ART. 29. Les dépêches présentées pendant la nuit, mais qui, par suite d'obstacles imprévus, n'arriveront à leur destination que dans la matinée, ne donneront pas lieu à la restitution de la taxe supplémentaire reçue.

ART. 30. Les frais de transport des dépêches en dehors des lignes télégraphiques seront perçus au bureau de départ. Pour le transport par lettres recommandées, la taxe sera uniformément d'un franc pour les localités du pays dans lequel se trouvera le bureau de destination, et de deux francs pour les localités situées en dehors de ce pays sur le continent européen. Quant au transport par exprès, l'expéditeur sera tenu de garantir les frais de ce transport (qui pourra être effectué par postillons ou par piétons), dans le cas où le destinataire ne les aurait point satisfaits.

ART. 31. Lorsqu'une dépêche sera interceptée pour l'un des motifs énoncés dans l'article 14, il ne sera restitué, sur la taxe perçue, que la somme payée pour la distance que la dépêche n'aurait pas parcourue.

Il ne sera fait aucune restitution à l'expéditeur, en cas de retards accidentels dans la transmission des dépêches.

Cette restitution aura lieu dans le cas où la dépêche ne serait pas parvenue à destination par la faute du service télégraphique; ou bien s'il était constaté qu'elle y est arrivée dénaturée au point de ne pouvoir remplir son but, ou si, sans qu'il y ait eu interruption dans les lignes, elle arrivait plus tard qu'elle ne serait parvenue si elle avait été envoyée par la poste. Les frais de restitution seront supportés par l'administration sur le territoire de laquelle la négligence ou l'erreur aura été commise.

ART. 32. Les dépêches d'Etat seront acceptées et transmises par tous les bureaux sans payement préalable. Leur taxe sera calculée d'après les tarifs pour les correspondances du public.

ART. 33. Dans les rapports internationaux, il n'y aura de franchise de taxe que pour les dépêches relatives au service des télégraphes.

ART. 34. Les comptes seront liquidés par période trimestrielle. Les taxes prélevées sur chaque dépêche, en raison de son parcours dans chaque Etat, seront remboursées à chaque Gouvernement.

ART. 35. Les droits perçus pour expédition de copies seront dévolus à l'office télégraphique sur le territoire duquel cette expédition aura été faite.

ART. 36. Le règlement réciproque des comptes aura lieu à l'expiration de chaque mois. Le décompte et la liquidation du solde se feront à la fin de chaque trimestre. Ces comptes comprendront les taxes en débit. Ils seront dressés par l'administration de France en

monnaie française, avec la réduction des totaux en monnaie espagnole; par l'Espagne, en monnaie espagnole, avec la réduction en francs. La réduction des monnaies se fera au taux de dix-neuf réaux de veillon chaque cinq francs.

ART. 37. Le solde résultant de la liquidation trimestrielle sera payé en monnaie courante dans l'Etat au profit duquel ce solde sera établi.

ART. 38. Il est convenu que, dans le cas où l'expérience viendrait à signaler quelques inconvénients pratiques dans l'exécution des clauses de la présente Convention, elles pourront être modifiées d'un commun accord; et, si on le jugeait convenable, le tarif des taxes, inséré à l'article 18 de la même Convention, pourrait être réduit.

ART. 39. La présente Convention sera mise à exécution le plus tôt que faire se pourra, et demeurera en vigueur jusqu'au 31 décembre 1855. Toutefois, les H. P. C. pourront, d'un commun accord, en prolonger les effets au-delà de ce terme. Dans ce dernier cas, elle sera considérée comme étant en vigueur pour un temps indéterminé et jusqu'à l'expiration d'une année, à compter du jour où la dénonciation en sera faite.

ART. 40. La présente Convention sera ratifiée, et les ratifications respectives en seront échangées à Madrid, dans le plus bref délai possible.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Madrid, en double expédition, le 24 novembre de l'an 1854.

TURGOT.

J.-F. PACHECO.

DÉCLARATION.

Au moment d'échanger les ratifications de la Convention télégraphique signée à Madrid, le 24 novembre 1854, les Plénipotentiaires Soussignés sont mutuellement convenus de ce qui suit :

1° Il est entendu que l'article 8 de la Convention précitée, relatif à la transmission des dépêches d'Etat, s'applique non-seulement aux dépêches expédiées par les autorités et agents mentionnés dans ledit article, mais, réciproquement, à celles qui leur sont adressées par l'une de ces autorités, et que, quant aux consuls des deux pays, il ne les exclut pas du droit de transmettre des correspondances officielles par la voie du télégraphe électrique, soit à leur Gouvernement, soit à l'ambassadeur ou au ministre de leur nation dans les Etats respectifs;

2° Il est également entendu que l'unité qui doit, aux termes de l'article 19, servir de base pour l'application du tarif est : pour la France, le *franc* qui équivaut à trois réaux vingt-sept maravédís et

deux dixièmes de maravédis ; pour l'Espagne, le *réal de veillon*, à raison de dix-neuf réaux pour cinq francs, ce qui donne au réal une valeur approximative de vingt-six centimes trois cent quinze millièmes.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Déclaration, en double expédition, à Madrid, le 31 janvier 1855.

TURGOT.

CLAUD.-ANT. LUZURIAGA.

Treaty of Peace, Friendship and Commerce
between France and Cagnabac (West Africa),
signed at Boulam, 28 November 1854

THIS Treaty is reproduced from De Clercq, *Recueil des Traités de la France*,
vol. VI, p. 481.

FRENCH TEXT

Le lieutenant de vaisseau Pierre-Claude-Jules *Gennet*, commandant l'avis à vapeur le *Crocodile* pour l'Empereur des Français, et le nommé *Gaspard*, chef Régent du Royaume de Cagnabac, ont arrêté les conditions suivantes destinées à établir de bonnes relations entre les deux nations.

ART. 1^{er}. Tout bâtiment français venant mouiller sur rade de Cagnabac ou dépendances pour y faire du commerce, recevra aide et protection du Roi et des divers chefs de cette île

ART. 2. Le Gouvernement français s'engage à punir sérieusement tout sujet appartenant à l'un des bâtiments français mouillant sur rade de Cagnabac qui, d'après une plainte formulée, se serait porté à des vexations à l'égard de l'un des sujets de ladite île.

ART. 3. Tout bâtiment français qui, par cause d'échouage ou de naufrage, viendrait à faire côte sur quelque point des îles dépendant de Cagnabac ou de Cagnabac même, recevra aide et assistance des habitants, sans que ces habitants puissent se croire en droit de bénéficier des résultats du bris et naufrage.

L'équipage naufragé trouvera jusqu'à son départ, moyennant redevance fixée par l'Agent français le plus voisin, le logement et les vivres nécessaires.

Le capitaine se perdant trouvera possibilité d'abriter les objets naufragés, sauf redevance toujours fixée par l'Agent français.

Le Roi de Cagnabac s'engage, dans le cas de naufrage dans une des îles alliées et voisines, d'employer toute son influence pour que les naufragés soient traités comme il est dit dans les §§ précédents, en assurant aux chefs de ces îles la redevance ci-dessus stipulée.

ART. 4. Le Roi de Cagnabac s'engage, dans le cas de contestations ou de naufrages, à faire prévenir par la voie de la factorerie Portugaise de Boulam, l'agent Français le plus voisin de l'île de Cagnabac, lequel, suivant l'importance du fait, se transportera sur

les lieux, ou y enverra un de ses délégués pour juger des redevances ou de la justice des réclamations faites. Jusqu'à l'arrivée de cet agent, le Roi s'abstiendra d'agir directement sur les sujets Français.

ART. 5. En cas de pillage commis par des sujets du Roi de Cagnabac, soit à bord des bâtiments français, soit dans les lieux de dépôt à terre, le Roi de Cagnabac s'engage à faire tout son possible pour faire rendre les objets volés et à remettre les coupables à l'agent français le plus voisin.

ART. 6. Le prétendu Traité (1) passé à la suite de l'expédition de 1853, n'ayant pas été ratifié par tous les chefs, est et demeure nul.

ART. 7. Le Traité passé actuellement sera soumis à la ratification du Gouvernement français (2), et de tous les chefs de l'île de Cagnabac et dépendances, et aura force de loi après approbation des deux Parties.

ART. 8. Les trois Chefs qui ont signé provisoirement le présent Traité, s'engagent à employer toute leur influence pour le rendre exécutoire dès aujourd'hui et le faire ratifier dans le plus bref délai possible.

ART. 9. Dès aujourd'hui le meilleur accord règne entre les deux Puissances et le plus complet oubli du passé résultant de l'expédition de 1853 est sincèrement avéré.

Fait à Boulam, le 28 novembre 1854, et ont signé :

Le Commandant du *Crocodile*, (Marques de GASPARD, OGONÉ, ORAMIA,
P.-C.-JULES GENNET. chefs de l'île de Cagnabac.)

Comme témoins : PIETRI, ADOLPHE-DIMAY.

Approbation des chefs de Cagnabac.

Aujourd'hui, 29 janvier 1855, sur le rivage de l'île de Cagnabac, les Chefs et le Peuple assemblés ont pleinement adhéré à toutes les clauses du Traité fait à Balam, le 28 novembre 1854, et ont signé :

(Marques de : TI TIAXÉ, Roi de l'île; ABOUHA; ANTONIO; GASPARD;
don MANUEL; TIUANÉ; BANOUK; ANTON GOMEZ; FERMOSE; YAMPOUL;
CODEK; MEKEMEMÉ; LIMAH; TABOUAN; ACHENOKO; PITAMPORAH;
AKANAH.)

Le Commandant du *Crocodile*, J. GENNET.

Treaty of Alliance between Austria,
France and Great Britain,
signed at Vienna, 2 December 1854

THE text of this Treaty is taken here from *British and Foreign State Papers*, vol. XLIV, p. 22. It is printed also in *Parliamentary Papers*, 1854-5, vol. LV, p. 1; by Martens, *Nouveau Recueil Général*, vol. XV, p. 600; Neumann, *Recueil des Traités et Conventions conclus par l'Autriche*, vol. VI, p. 214; De Clercq, *Recueil des Traités de la France*, vol. VI, p. 482; and Hertslet, *Map of Europe by Treaty*, p. 1221.

FRENCH TEXT

[Ratifications exchanged at Vienna, December 14, 1854.]

SA Majesté la Reine du Royaume Uni de Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, et Sa Majesté l'Empereur des Français, animées du désir de mettre fin le plus tôt possible à la guerre actuelle par le rétablissement de la paix générale sur des bases solides donnant à l'Europe entière toute garantie contre le retour des complications qui ont si malheureusement troublé son repos ; convaincues que rien ne serait plus plus propre à assurer ce résultat que l'union complète de leurs efforts jusqu'à

l'entière réalisation du but commun qu'elles se sont proposé; et reconnaissant, en conséquence, la nécessité de s'entendre aujourd'hui sur leurs positions respectives et les prévisions de l'avenir, ont résolu de conclure entre elles un Traité d'Alliance, et ont nommé à cet effet pour leurs Plénipotentiaires:

Sa Majesté la Reine du Royaume Uni de Grande Bretagne et d'Irlande, le Très Honorable Jean Fane, Comte de Westmorland, Pair du Royaume Uni de la Grande Bretagne et d'Irlande, Général des Armées de Sa Majesté Britannique, Colonel de 56^{me} Régiment d'Infanterie de la Ligne, Chevalier Grand-Croix du Très Honorable Ordre du Bain, et Commandeur de la Section Militaire du même Ordre, Chevalier de l'Ordre Impérial et Militaire de Marie Thérèse, Conseiller de Sa Majesté Britannique en son Conseil Privé, et son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale et Royale Apostolique, &c. ;

Sa Majesté l'Empereur d'Autriche, le Sieur Charles, Comte de Buol-Schauenstein, son Chambellan et Conseiller Intime Actuel, Ministre des Affaires, Etrangères et de la Maison Impériale, Grand Croix de l'Ordre Impérial de Léopold, Chevalier de l'Ordre de la Couronne de Fer de la première classe, &c. ;

Sa Majesté l'Empereur des Français, le Sieur François Adolphe, Baron de Bourqueney, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale et Royale Apostolique, Grand Officier de l'Ordre Impérial de la Légion d'Honneur, &c. ;

Lesquels, s'étant communiqué leurs pleins pouvoirs, et les ayant trouvés en bonne et due forme, ont arrêté et signé les Articles suivants :

ART. I. Les Hautes Parties Contractantes rappellent les déclarations contenues dans les Protocoles du 9 Avril et du 23 Mai de l'année courante, et dans les notes échangées le 8 Août dernier; et comme elles se sont réservé le droit de proposer, selon les circonstances, telles conditions qu'elles pourraient juger nécessaires dans un intérêt Européen, elles s'obligent mutuellement et réciproquement à n'entrer dans aucun arrangement avec la Cour Impériale de Russie avant d'en avoir délibéré en commun.

II. Sa Majesté l'Empereur d'Autriche ayant fait occuper par ses troupes, en vertu du Traité conclu le 14 Juin dernier avec la Sublime Porte, les Principautés de Moldavie et de Valachie, il s'engage à défendre la frontière des dites principautés contre tout retour des forces Russes; les troupes Autrichiennes occuperont à cet effet les positions nécessaires pour garantir ces principautés contre toute attaque. Sa Majesté la Reine du Royaume Uni de Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur des Français, ayant également signé le 12 Mars avec la Sublime

Porte un Traité qui les autorise à diriger leurs forces sur tous les points de l'Empire Ottoman, l'occupation susmentionnée ne saurait porter préjudice au libre mouvement des troupes Anglo-Françaises ou Ottomanes sur ces mêmes territoires contre les forces militaires ou le territoire de la Russie. Il sera formé à Vienne entre les Plénipotentiaires de l'Autriche, de la France, et de la Grande Bretagne, une Commission à laquelle la Turquie sera invitée à adjoindre aussi un Plénipotentiaire, et qui sera chargée d'examiner et de régler toutes les questions se rapportant soit à l'état exceptionnel et provisoire dans lequel se trouvent les dites principautés, soit au libre passage des diverses armées sur leur territoire.

III. Les hostilités venant à éclater entre l'Autriche et la Russie, Sa Majesté la Reine du Royaume Uni de Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, et Sa Majesté l'Empereur des Français, se promettent mutuellement leur alliance offensive et défensive dans la guerre actuelle, et employeront à cet effet, selon les nécessités de la guerre, des forces de terre et de mer, dont le nombre, la qualité, et la destination seront, s'il y a lieu, déterminés par des arrangements subséquents.

IV. Dans le cas prévu par l'Article précédent, les Hautes Parties Contractantes se promettent réciproquement de n'accueillir de la part de la Cour Impériale de Russie, sans s'en être entendues entre elles, aucune ouverture ni aucune proposition tendant à la cessation des hostilités.

V. Dans le cas où le rétablissement de la paix générale sur les bases indiquées dans l'Article I ne serait point assuré dans le cours de la présente année, Sa Majesté la Reine du Royaume Uni de Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, et Sa Majesté l'Empereur des Français, délibéreront sans retard sur les moyens efficaces pour obtenir l'objet de leur alliance.

VI. La Grande Bretagne, l'Autriche, et la France, porteront ensemble le présent Traité à la connaissance de la Cour de Prusse, et recevront avec empressement son adhésion, dans le cas où elle engagerait sa coopération à l'accomplissement de l'œuvre commune.

VII. Le présent Traité sera ratifié, et les Ratifications seront échangées à Vienne dans l'espace de 15 jours.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le sceau de leurs armes.

Fait à Vienne, le 2 Décembre, l'an de grâce, 1854.

(L.S.) WESTMORLAND.

(L.S.) BOUL-SCHAUNSTEIN.

(L.S.) BOURQUENEY.

* Already laid before Parliament.

Additional Postal Convention between
France and Great Britain,
signed at Paris, 12 December 1854

THIS Convention additional to that of 3 April 1843, which was terminated by the Convention of 24 September 1856, and which is printed also in *Parliamentary Papers, 1854-5*, vol. LV, p. 23; *Hertslet's Commercial Treaties*, vol. IX, p. 964; and by De Clercq, *Recueil des Traités de la France*, vol. VI, p. 485, is reproduced here from *British and Foreign State Papers*, vol. XLIV, p. 43.

ENGLISH / FRENCH TEXTS

[Ratifications exchanged at Paris, December 22, 1854.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, alike animated by the desire of improving, by means of a new Convention, the Postal Service between the 2 countries, have named as their Plenipotentiaries for that purpose, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry Richard Charles, Lord Cowley, a Peer of

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur des Français, également animées du désir d'améliorer, au moyen d'une nouvelle Convention, le Service des Correspondances entre les 2 pays, ont nommé pour leurs Plénipotentiaires à cet effet, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Henri Richard Charles, Lord Cowley, Pair du Royaume Uni,

the United Kingdom, a Member of Her Majesty's Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Her Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of the French;

His Majesty the Emperor of the French, M. Edward Drouyn de Lhuys, His Minister and Secretary of State of the Department of Foreign Affairs, Vice-President of the Senate, Grand Cross of the Imperial Order of the Legion of Honour, &c. &c.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:

ART. I. The postage to be collected in France and Algeria upon paid letters addressed to the United Kingdom of Great Britain and Ireland, as well as upon unpaid letters originating in the United Kingdom of Great Britain and Ireland, shall be as follows:

1. For every paid letter, 40 centimes per 7 grammes and a half, or fraction of 7 grammes and a half;

2. And for every unpaid letter, 80 centimes per 7 grammes and a half, or fraction of 7 grammes and a half.

Reciprocally, the postage to be collected in the United Kingdom of Great Britain and Ireland upon paid letters addressed to France and Algeria, as well as upon unpaid letters originating in France and Algeria, shall be as follows:

Conseiller de Sa Majesté en Son Conseil Privé, Chevalier Grand Croix du Très Honorable Ordre du Bain, Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté l'Empereur des Français;

Sa Majesté l'Empereur des Français, M. Edouard Drouyn de Lhuys, Son Ministre et Secrétaire d'Etat au Département des Affaires Etrangères, Vice-Président du Sénat, Grand Croix de l'Ordre Impérial de la Légion d'Honneur, &c. &c.;

Lesquels, après s'être réciproquement communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants:

ART. I. Le port à percevoir en France et en Algérie sur les lettres affranchies à destination du Royaume Uni de la Grande Bretagne et d'Irlande, ainsi que sur les lettres non-affranchies originaires du Royaume Uni de la Grande Bretagne et d'Irlande, est fixé, savoir:

1. Pour chaque lettre affranchie, à 40 centimes par 7 grammes et demi, ou fraction de 7 grammes et demi;

2. Et pour chaque lettre non-affranchie, à 80 centimes par 7 grammes et demi, ou fraction de 7 grammes et demi.

Réciproquement, le port à percevoir dans le Royaume Uni de la Grande Bretagne et d'Irlande sur les lettres affranchies à destination de la France et de l'Algérie, ainsi que sur les lettres non-affranchies originaires de la France et de l'Algérie, est fixé, savoir:

1. For every paid letter, 4*d.* per quarter of an ounce British, or fraction of a quarter of an ounce British;

2. And for every unpaid letter, 8*d.* per quarter of an ounce British, or fraction of a quarter of an ounce British.

II. The rate at which the Post Office of France shall account to the British Post Office, for paid letters addressed to Great Britain, forwarded by the French exchanging offices to the British exchanging offices, as well as for unpaid letters originating in Great Britain, forwarded by the British exchanging offices to the French exchanging offices, shall be as follows:

1. For paid letters addressed to Great Britain, the sum of 60 centimes per 30 grammes, net weight.

2. And for unpaid letters originating in Great Britain, the sum of 1 franc 20 centimes per ounce British, net weight.

Reciprocally, the rate at which the British Post Office shall, on its side, account to the Post Office of France for paid letters addressed to France and Algeria, forwarded by the British exchanging offices to the French exchanging offices, as well as for unpaid letters originating in France and Algeria, forwarded by the French exchanging offices to the British exchanging offices, shall be as follows:

1. Pour chaque lettre affranchie, à 4*d.* par quart d'once Britannique, ou fraction de quart d'once Britannique;

2. Et pour chaque lettre non-affranchie, à 8*d.* par quart d'once Britannique, ou fraction de quart d'once Britannique.

II. Le prix dont l'administration des Postes de France devra tenir compte à l'administration des Postes Britanniques, pour les lettres affranchies à destination de la Grande Bretagne, livrées par les bureaux d'échange Britanniques, ainsi que pour les lettres non-affranchies originaires de la Grande Bretagne, livrées par les bureaux d'échange Britanniques aux bureaux d'échange Français, est fixé, savoir:

1. Pour les lettres affranchies à destination de la Grande Bretagne, à la somme de 60 centimes par 30 grammes, poids net;

2. Et pour les lettres non-affranchies originaires de la Grande Bretagne, à la somme de 1 franc 20 centimes par once Britannique, poids net.

Réciproquement, le prix dont l'administration des Postes Britanniques devra, de son côté, tenir compte à l'administration des Postes de France pour les lettres affranchies à destination de la France et de l'Algérie, livrées par les bureaux d'échange Britanniques aux bureaux d'échange Français, ainsi que pour les lettres non-affranchies originaires de la France et de l'Algérie, livrées par les bureaux d'échange Français aux bureaux d'échange Britanniques, est fixé, savoir:

1. For paid letters addressed to France and Algeria, the sum of 1 franc per ounce British, net weight;

2. And for unpaid letters originating in France and Algeria, the sum of 2 francs per 30 grammes, net weight.

III. The payment on account of the sea conveyance of letters contained in the mails which the respective offices of exchange transmit to each other by means of merchant-ships plying in the Channel, shall be equally divided between the British Post Office and the Post Office of France. These payments shall be made to the commanders or owners of the said vessels at the rate of 1*l.*, or 10 centimes, per letter.

IV. The conditions under which newspapers, gazettes, periodical works, stitched books, pamphlets, sheets of music, catalogues, prospectuses, announcements and notices of various kinds, whether printed or lithographed, forwarded from one of the two countries addressed to the other, are to be exchanged, shall be regulated hereafter by a special Convention which shall be based upon the principle of compulsory prepayment to destination, and of the removal of every duty or tax which would otherwise be payable by the persons to whom newspapers and the other printed papers enumerated above are addressed.

1. Pour les lettres affranchies à destination de la France et de l'Algérie, à la somme de 1 franc par once Britannique, poids net;

2. Et pour les lettres non-affranchies originaires de la France et de l'Algérie, à la somme de 2 francs par 30 grammes, poids net.

III. Les frais résultant du transport par mer des lettres comprises dans les dépêches que les bureaux d'échange respectifs se transmettront réciproquement par la voie des bâtiments du commerce naviguant dans le Canal de la Manche, seront supportés, par moitié, entre l'administration des Postes Britanniques et l'administration des Postes de France. Les frais seront payés aux capitaines ou armateurs des dits bâtiments à raison de 1 penny, ou 10 centimes, par lettre.

IV. Les conditions d'échange des journaux, gazettes, ouvrages périodiques, livres brochés, brochures, papiers de musique, catalogues, prospectus, annonces, et avis divers, imprimés, lithographiés, ou autographiés, adressés de l'un des deux pays dans l'autre, seront réglées ultérieurement par une Convention spéciale qui sera basée sur le principe de l'affranchissement obligatoire jusqu'à destination, et de l'abolition de tout droit ou taxe à la charge des destinataires des journaux et autres imprimés ci-dessus désignés.

V. The present Convention, which shall be considered as additional to the Convention of the 3rd of April, 1843, shall be ratified; the ratifications shall be exchanged at Paris as soon as possible; and it shall be put into execution on the 1st January, 1855.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done in duplicate at Paris, the 12th day of December, 1854.

(L.S.)

(L.S.)

V. La présente Convention qui sera considérée comme additionnelle à la Convention du 3 Avril, 1843, sera ratifiée; les ratifications en seront échangées à Paris aussitôt que faire se pourra; et elle sera mise à exécution le 1 Janvier, 1855.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le sceau de leurs armes.

Fait à Paris, en double original, le 12e jour du mois de Décembre, 1854.

COWLEY.

DROUYN DE LHUYS.

Additional Navigation Convention between
Sardinia and Tuscany,
signed at Florence, 19 December 1854

THIS Convention additional to the Treaty of 24 September 1849 is reproduced from Solar de la Marguerite, *Traité Publics de la Royale Maison de Savoie*, vol. VIII, p. 182.

ITALIAN TEXT

Sua Maestà il Re di Sardegna e Sua Altezza Imperiale e Reale il Granduca di Toscana desiderando di estendere viemaggiormente il principio di reciprocità che, rispetto al trattamento dei bastimenti dei due Paesi, fu consegnato nei Trattati di navigazione e di commercio dei 5 giugno 1847 e 24 settembre 1849, hanno nominato a loro Plenipotenziarii onde concludere una Convenzione a quest'oggetto:

Sua Maestà il Re di Sardegna, il marchese Francesco Maria Sauli, Senatore del Regno, Ministro Residente della prelodata Maestà Sua in Toscana; e

Sua Altezza Imperiale e Reale il Granduca di Toscana, Don Andrea dei Principi Corsini, Duca di Casigliano, Cavaliere dell'insigne Ordine militare di Santo Stefano Papa e Martire, Gran Croce dell'Ordine Imperiale austriaco di Leopoldo, Gran Cordone di quello Reale di S. Genaro di Napoli, Gran Croce decorato del Gran Cordone del sacro militare Ordine dei Santi Maurizio e Lazzaro di Sardegna, Gran Croce del Reale e distinto Ordine spagnuolo di Carlo III, di quello pontificio

di San Gregorio Magno e dell'altro Imperiale francese della Legione d'Onore, Cavaliere dell'Ordine pontificio di Cristo, Gran Croce dell'altro parmense di San Lodovico, Ciamberlano della prefata Altezza Sua Imperiale e Reale, e Suo Ministro Segretario di Stato pel dipartimento degli affari esteri;

I quali dopo di essersi scambievolmente comunicati i rispettivi loro pieni poteri trovati in buona e debita forma, sono convenuti che agli articoli 5 e 6 del Trattato del 5 giugno 1847 s'intenderà sostituito per l'avvenire l'articolo seguente:

I.

Le Alte Parti contraenti convengono che, rispetto al commercio di costa, le navi ed i sudditi di ciascuna Parte contraente godranno nei domini o territorii dell'altra gli stessi favori, e saranno trattati per ogni riguardo nel modo medesimo che le navi ed i sudditi nazionali.

II.

La presente Convenzione sarà considerata come addizionale al detto Trattato del 24 settembre 1849 e ne avrà la stessa durata.

Essa sarà ratificata e le ratifiche ne saranno scambiate in Firenze entro tre mesi dalla data della firma, o più presto se sarà possibile.

In fede di che i Plenipotenziari l'hanno munita della loro firma e vi hanno apposto il sigillo delle proprie armi.

Firenze, li 19 dicembre 1854.

(L. S.) FRANCESCO M.^o SAULI.

(L. S.) DUCA DI CASIGLIANO.

(Ratifiée par S. M. le Roi de Sardaigne le 18 mars et par S. A. le Grand-Duc de Toscane le 30 mars 1855. — L'échange des ratifications a eu lieu à Florence le 31 mars de la même année)

Telegraph Convention between Modena
and Sardinia,
signed at Modena, 21 December/Turin,
26 December 1854

THIS Convention is taken from Solar de la Marguerite, *Traité Publics de la Royale Maison de Savoie*, vol. VIII, p. 184.

ITALIAN TEXT

Sua Maestà il Re di Sardegna, ecc., ecc., ecc., e Sua Altezza Reale l'Arciduca Duca di Modena, ecc., ecc., ecc.

Volendo colla congiunzione delle linee telegrafiche dei due Stati fra Massa e Sarzana rendere più celeri le comunicazioni, a vantaggio anche dei loro sudditi e del commercio, hanno determinato di addivenire ad una relativa Convenzione.

A tale oggetto hanno nominato a loro Plenipotenziarii,

Sua Maestà il Re di Sardegna Sua Eccellenza il signor Cavaliere D. Giuseppe Dabormida, Cavaliere di Gran Croce, decorato del Gran Cordone dell'Ordine dei Santi Maurizio e Lazzaro, Grande Ufficiale della Legion d'Onore di Francia, Senatore del Regno, Maggior Generale d'artiglieria, Aiutante di campo di S. M. e Suo Ministro Segretario di Stato per gli Affari Esteri, e

Sua Altezza Reale l'Arciduca Duca di Modena Sua Eccellenza il signor Conte Giuseppe Forni, Consigliere di Stato di Sua Altezza Reale, Imp. R. Ciambelano, Commendatore dell'Ordine del merito della Corona di Baviera, Cavaliere Gran Croce dell'Ordine d'Isabella la Cattolica, Commendatore dell'I. Ordine della Corona di Ferro, Cavaliere Gran Croce dell'Ordine Pontificio di S. Gregorio Magno, Cavaliere Gran Croce dell'Ordine Portoghese di Cristo, Senatore Gran Croce del S. A. I. Ordine Costantiniano di S. Giorgio di Parma, Cavaliere Gran Croce del R. Ordine del merito sotto il titolo di S. Giuseppe di Toscana, Cavaliere Gran Croce dell'Ordine Imperiale di Francesco Giuseppe, Commendatore dell'Ordine Portoghese di Nostra Signora della Concezione, Ministro degli Affari Esteri;

I quali scambiatisi i rispettivi pieni poteri, trovati in buona e valida forma, hanno convenuto e convengono nei seguenti articoli:

I.

Il Governo Sardo condurrà la sua linea telegrafica da Genova per la Spezia e Sarzana fino al confine Sardo-Estense e precisamente al punto vicino al Ponte sulla Parmignola indicato da apposito segnale che determina il confine sulla strada maestra postale di Sarzana ad Avenza.

II.

Il Governo Estense continuerà una linea telegrafica dal suddetto punto in avanti fino a Massa, ove sarà così riunita la corrispondenza telegrafica colla Toscana da una parte, e colle altre linee Pontificia, Parmense e Lombarda dall'altra.

III.

Il Governo Sardo adotterà nell'ufficio telegrafico di Sarzana siccome stazione di confine anche il sistema delle macchine telegrafiche di Morse eguale a quello in esercizio per lo Stato Estense, e s'incaricherà dell'inoltro dei dispacci alla loro destinazione, avendo ove occorra delle macchine telegrafiche, che tengano ai diversi sistemi che siano in vigore rispettivamente negli Stati contraenti.

IV.

Il Governo Sardo dichiara di conoscere già le tariffe e le massime amministrative vigenti presso tutti gli altri Stati collegati coll'Estense in conseguenza della già avvenuta immediata unione delle sue linee colle Lombarde, e di ritenerne l'osservanza in corso appoggiata pienamente alla Convenzione per la Lega telegrafica tedesco-austriaca in data 25 luglio 1850 e successivi supplementi e regolamenti.

V.

Egualemente il Governo Estense dichiara di conoscere per la stessa

ragione e di osservare già le tariffe e le massime amministrative in corso cogli Stati collegati col Sardo.

VI.

Rispetto a questa seconda linea di congiunzione e perchè si ottenga il profitto che giustamente si può attendere dalla medesima di una più corta e diretta comunicazione soprattutto fra il Regno Sardo e la Toscana, non che gli Stati Francesi, Inglesi, ecc. riuniti col medesimo, il Governo Estense si obbliga a costruire una linea con filo separato dal confine Sardo-Estense a Massa, estendibile anche fino al confine Estense-Toscano, in caso che la Toscana adotti lo stesso partito, onde così togliere gli intralci e i ritardi che nascerebbero immancabilmente, tenendo un sol filo di comunicazione per da Massa cogli Stati già collegati coll'Estense come di presente, e più col Regno Sardo.

VII.

A tale effetto sarà destinata in Massa una macchina telegrafica con un traslatore per servizio esclusivo dei dispacci di transito da o pel Regno Sardo o più oltre, e saranno disposti gli Impiegati necessari pel relativo servizio.

VIII.

Premesso quest'obbligo che assume il Governo Estense, e premesso che coll'attivazione della nuova linea, oltre all' aumento indispensabile di materiali telegrafici e di impiegati, il Governo Estense risente non poco danno dall'accorciamento sensibile della percorrenza pel suo Stato dei dispacci provenienti dalla Toscana, o viceversa dal Regno Sardo, da cui prenderanno corso tutti li dispacci della Francia ed Inghilterra, resta convenuto per l'imposizione di una tassa di transito oltre all'ordinaria per la spedizione dei dispacci. Quindi lo stesso Governo Estense richiede, e il Regno Governo Sardo assente che la tariffa Estense per la linea verso lo Stato Sardo venga regolata come segue:

a) Da Massa al confine Sardo-Estense, o viceversa, tassa ordinaria un fiorino.

b) Da Modena, Reggio, Parma, confine Estense-Austriaco, Bologna al confine Sardo-Estense o viceversa, la tassa si comporrà:

1° Della tassa ordinaria in corso sul computo fino a Massa, secondo la vigente tariffa;

2° Della tassa pel tratto da Massa al confine Sardo-Estense.

c) Da Pisa al confine Sardo-Estense, o viceversa, la tassa si comporrà:

1° Dell'ordinaria da Pisa a Massa;

2° Della tassa da Massa al confine Sardo-Estense;

3° Di una tassa di transito dal confine Toscano-Estense al confine Sardo-Estense calcolata di un fiorino.

Coll'unita modula di tariffa si dimostrano gli estremi che ne risultano.

Da	A	Tassa		Da Massa al confine SARDO-ESTENSE		Tassa complessiva	
Modena	Massa	5	»	2	50	7	50
Reggio		5	»	2	50	7	50
Parma		5	»	2	50	7	50
Confine Estense-Austr.		7	50	2	50	10	»
Bologna		7	50	2	50	10	»
	Da Pisa a Massa	Da Massa al confine Sardo-Estense				TOTALE da Pisa al confine Sardo-Estense	
		Tassa di transito		Tassa ordinaria			
	2 50	2	50	2	50	7	50

Queste tasse saranno quelle da applicarsi ai dispacci semplici, cioè di non più che 25 parole, per quelli da 26 a 50 la tassa sarà in tutto duplicata e triplicata dalle 51 alle 100 parole.

IX.

Il Governo Sardo poi dichiara e il Governo Estense riconosce che la tassa di competenza Sarda dal confine Sardo-Estense fino alle varie stazioni Sarde, od agli altri confini Sardi con la Francia, la Svizzera e con l'Austria venga ritenuta secondo le tariffe già in vigore, riguardando come dispaccio semplice quello che non passi le parole 25.

X.

Il Governo Estense farà riconoscere presso gli altri Stati con cui è in relazione la seguita unione telegrafica delle sue linee col Governo Sardo per la via di Massa e Sarzana, e così qualunque altra unione che di seguito si facesse fra il Governo Sardo e gli Stati al medesimo limitrofi ogni qualvolta ne riceva ufficiale partecipazione, accompagnando la relativa tariffa, e qualunque regolamento suppletorio in caso.

XI.

Egualemente il Governo Sardo riconoscerà ed accetterà e farà riconoscere ed accettare agli altri Stati limitrofi con cui si collegasse, la spedizione dei dispacci per qualunque località sia così attivata o venisse di seguito riunita colle linee Estensi, ed ufficialmente partecipata come sopra.

XII.

L'ufficio di Sarzana e le altre stazioni Sarde corrisponderanno direttamente e regolarmente coll'ufficio di Massa; però non sarà mai impedita la corrispondenza diretta anche a maggiori distanze e con altri Stati, premettendone un avviso affinchè siano messi in azione i traslatori, e si possano protocollare i dispacci che transitano all'estero per regola della contabilità.

XIII.

Si intendono per dispacci di Stato da trasmettersi gratuitamente nell'interno degli Stati dei due Governi contraenti tutti quelli che portano

la firma di una carica di Corte, o di un Segretario intimo a nome del suo Sovrano, e quelli che sono firmati da un Ministro, o da chi ne fa le veci, o dai Capi di Provincia corrispondenti colle primarie Autorità dell'altro Stato con cui è seguita la presente Convenzione e che riguardano servizio pubblico, come pure quelli dei Superiori Comandi Militari sempre riguardanti il servizio.

Quanto poi ai dispacci di Stato che trapassano oltre lo Stato Estense e viceversa, questa trasmissione non avrà effetto gratuitamente nè per l'interno dei due Stati contraenti, nè per gli altri, a cui siano diretti, ma si darà luogo all'esecuzione dell'articolo 28 della Convenzione 25 luglio 1850, per lo che solo si dispensano dall'immediato pagamento delle tasse, le quali poi saranno assunte nei conti trimestrali tra Ufficio ed Ufficio, e ritenute a carico di quello Stato nel di cui interesse sono stati impostati.

XIV.

Sono trasmessi gratuitamente tutti i dispacci fra le Direzioni telegrafiche importanti il relativo servizio.

XV.

I pieghi tutti degli Uffizii telegrafici e delle Direzioni contrassegnati coi rispettivi timbri sono esenti da spese postali.

XVI.

I resoconti fra le Direzioni si scambieranno ogni tre mesi, e ciò col mezzo di analoghe tabelle su cui saranno fatte le rispettive verificazioni prima di apporre il visto alla concreta liquidazione, dietro di che seguirà il saldo dell'importare per parte dell'Amministrazione telegrafica che risulterà debitrice e con moneta italiana effettiva.

XVII.

Il Governo Estense si accrediterà verso il Governo Sardo di tutte le partite che riguardano il suo territorio, e gli Stati coi quali è già

unito, non che per quelli che a questi ultimi si collegassero, facendo esso centro della contabilità per tutti verso il Regno Sardo; viceversa lo Stato Sardo si accrediterà verso l'Estense per quello che riguarda le sue stazioni e gli altri Stati con cui è collegato, o che di seguito passassero con esso Lui a congiungersi, facendosi egli centro egualmente per gli altri delle contabilità relative verso il Governo Estense.

XVIII.

La Direzione Superiore dei telegrafi Estensi darà anche esatta comunicazione delle stazioni che cambiasse od aggiungesse nel suo territorio, e così dei cambiamenti che succedessero negli Stati collegati col medesimo: la stessa comunicazione sarà data a parità di trattamento dalla Direzione Sarda riguardo alle stazioni che accrescesse o variasse nel suo Stato, o per quelle degli altri Stati che sono con Lui associati nella corrispondenza telegrafica o che si riunissero di seguito, in tutto eccettuando l'Austriaco, con cui anche il Governo Estense è direttamente unito e da cui riceve analoghe comunicazioni.

XIX.

La presente Convenzione verrà ratificata dalle Alte Parti contraenti, e le ratifiche verranno cambiate in Torino nel più breve termine possibile. Essa entrerà tosto in attività appena compiuta l'unione delle linee, e durerà fino a che dai due Governi contraenti non si disdica formalmente, premesso il preavviso di un anno.

In fede di che i sunnominati Plenipotenziarii hanno firmata la presente in doppio originale e vi hanno apposto il sigillo delle loro armi.

Torino, questo giorno ventisei
di dicembre, mille ottocento cin-
quantaquattro.

Modena, questo giorno ventuno
dicembre dell'anno di grazia, mille
ottocento cinquantaquattro.

(L. S.) DABORMIDA.

(L. S.) G. FORNI.

(Ratifiée par S. A. le Duc de Modène le 30 décembre, et par S. M. le Roi de Sardaigne le 31 décembre 1854. — L'échange des ratifications a eu lieu à Turin le 7 janvier 1855)

Treaties between the United States and the
Oto and Missouri, Omaha, Delaware,
Shawnee, Menominee, Iowa, Sauk and Foxes
of Missouri, Kickapoo, Kaskaskia, Peoria etc.,
Miami, Creek, Chippewa, Choctaw and
Chickasaw, Rogue River, Chasta, Umpqua
and Kalapuya, Confederated Oto and Missouri,
Nisqualli, Puyallup etc. (North American
Indians),

signed 15, 16 March, 6, 10, 12, 17, 18, 30 May,
5, 13 June, 30 September, 4, 15, 18, 29 November,
9, 26 December 1854

THESE Treaties are reproduced here from Kappler, *Indian Affairs, Laws and Treaties* (1904), vol. II (Treaties), pp. 608, 611, 614, 618, 626, 628, 631, 634, 636, 641, 647, 648, 653, 654, 655, 657, 660, 661. They are largely printed also in *British and Foreign State Papers*, vol. XLIV, pp. 365d, 368f, 411f, 951f.

TREATY WITH THE OTTO AND MISSOURIA, 1854.

Mar. 15, 1854.
 10 Stats., 1038.
 Ratified Apr. 17,
 1854.
 Proclaimed June 21,
 1854.

Articles of agreement and convention made and concluded at the city of Washington, this fifteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny, as commissioner on the part of the United States, and the following-named Chiefs of the confederate tribes of the Ottoe and Missouria Indians, viz: Ar-ke-kee-tah, or Stay by It; Heh-cah-po, or Kickapoo; Shaw-ka-haw-wa, or Medicine Horse; Mi-ar-ke-tah-hum-she, or Big Soldier; Cha-won-a-ke, or Buffalo Chief; Ah-hah-che-ke-saw-ke, or Missouria Chief; and Maw-thra-ti-ne, or White Water; they being thereto duly authorized by said confederate tribes.

Cession of land to
 the United States.

ARTICLE 1. The confederate tribes of Ottoe and Missouria Indians cede to the United States all their country west of the Missouri River, excepting a strip of land on the waters of the Big Blue River, ten miles in width and bounded as follows: Commencing at a point in the middle of the main branch of the Big Blue River, in a west or southwest direction from Old Fort Kearney, at a place called by the Indians the "Islands;" thence west to the western boundary of the country hereby ceded; thence in a northerly course with said western boundary, ten miles; thence east to a point due north of the starting point and ten miles therefrom; thence to the place of beginning: *Provided*, That in case the said initial point is not within the limits of the country hereby ceded, or that the western boundary of said country is not distant twenty-five miles or more from the initial point, in either case, there shall be assigned by the United States to said Indians, for their future home, a tract of land not less than ten miles wide by twenty-five miles long, the southeast corner of which tract shall be the initial point above named. And such portion of such tract, if any, as shall prove to be outside of the ceded country, shall be and the same is hereby granted and ceded to the confederate tribes of Ottoe and Missouria Indians by the United States, who will have said tract properly set off by durable monuments as soon after the ratification of this instrument as the same can conveniently be done.

Reserve for the In-
 dians.
 See treaty of Dec. 9,
 1854, post. p. 660.

Indians to vacate
 the ceded lands.

ARTICLE 2. The said confederate tribes agree, that as soon after the United States shall make the necessary provision for fulfilling the stipulations of this instrument, as they can conveniently arrange their affairs, and not to exceed one year after such provision is made, they will vacate the ceded country, and remove to the lands herein reserved for them.

Relinquishment of
 former claims.

ARTICLE 3. The said confederate tribes relinquish to the United States, all claims, for money or other thing, under former treaties, and all claim which they may have heretofore, at any time, set up, to any land on the east side of the Missouri River; *Provided*, That said confederate tribes shall receive the unexpended balances of former appropriations now in the United States Treasury, of which, four thousand dollars shall at once be applied for the purchase of provisions and to farming purposes.

Payment to the In-
 dians.

ARTICLE 4. In consideration of, and payment for the country herein ceded, and the relinquishments herein made, the United States agree to pay to the said confederate tribes of Ottoe and Missouria Indians, the several sums of money following, to wit:

1st. Twenty thousand dollars, per annum, for the term of three years, commencing on the first day of January, one thousand eight hundred and fifty-five.

2d. Thirteen thousand dollars, per annum, for the term of ten years, next succeeding the three years.

3d. Nine thousand dollars, per annum, for the term of fifteen years, next succeeding the ten years.

4th. Five thousand dollars, per annum, for the term of twelve years, next succeeding the fifteen years.

All which several sums of money shall be paid to the said confederate tribes, or expended for their use and benefit under the direction of the President of the United States, who may, from time to time, determine, at his discretion, what proportion of the annual payments, in this article provided for, if any, shall be paid to them in money, and what proportion shall be applied to and expended, for their moral improvement and education; for such beneficial objects as in his judgment will be calculated to advance them in civilization; for buildings, opening farms, fencing, breaking land, providing stock, agricultural implements, seeds, &c., for clothing, provisions, and merchandise; for iron, steel, arms and ammunition; for mechanics, and tools; and for medical purposes.

ARTICLE 5. In order to enable the said confederate tribes to settle their affairs, and to remove, and subsist themselves for one year at their new home, (and which they agree to do without further expense to the United States,) and to break up and fence one hundred and fifty acres of land at their new home, they shall receive from the United States the further sum of twenty thousand dollars, to be paid-out and expended under the direction of the President, and in such manner as he shall approve.

Further payment.

ARTICLE 6. The President may, from time to time, at his discretion, cause the whole of the land herein reserved or appropriated west of the Big Blue River, to be surveyed off into lots, and assign to such Indian or Indians of said confederate tribes, as are willing to avail of the privilege, and who will locate on the same as a permanent home, if a single person over twenty-one years of age, one-eighth of a section; to each family of two, one-quarter section; to each family of three and not exceeding five, one-half section; to each family of six and not exceeding ten, one section; and to each family exceeding ten in number, one quarter section for every additional five members. And he may prescribe such rules and regulations as will secure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home and the improvements thereon. And the President may, at any time in his discretion, after such person or family has made a location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years; and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force, until a State constitution embracing such land within its boundaries shall have been formed, and the legislature of the State shall remove the restrictions. And if any such person or family shall at any time neglect or refuse to occupy and till a portion of the land assigned, and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, revoke the same, or, if not issued, cancel the assignment, and may also withhold from such person or family, their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return, the tract may be declared abandoned, and thereafter assigned to some other person or family of such confederate tribes, or disposed of as is provided for the disposal of the excess of said land. And the residue of the land hereby reserved, after all the Indian persons or families of such confederate tribes shall have had assigned to them permanent homes, may be sold for their benefit, under such laws, rules, or regulations as may hereafter be prescribed by the Congress or President of the United States. No State legislature shall remove the restriction herein provided for, without the consent of Congress.

Disposition of the Indian reserves.

Grist and saw mills.

Blacksmith.

Annuities not to be taken for debts.

Peace and friendship.

Conduct of Indians; depredations.

Provision against the introduction of liquor.

Roads through Indian lands.

Payment to Lewis Barnard.

Ratifications.

ARTICLE 7. The United States will erect for said confederate tribes at their new home a grist and saw mill, and keep the same in repair, and provide a miller for a term of ten years; also erect a good blacksmith shop, supply the same with tools, and keep it in repair for the term of ten years, and provide a good blacksmith for a like period, and employ an experienced farmer, for ten years, to instruct the Indians in agriculture.

ARTICLE 8. The annuities of the Indians shall not be taken to pay the debts of individuals.

ARTICLE 9. The said confederate tribes acknowledge their dependence on the Government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians, to the Government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens.

ARTICLE 10. The Ottoes and Missourias are desirous to exclude from their country the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided that any one of them who is guilty of bringing liquor into their country, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time, as the President may determine.

ARTICLE 11. The said confederate tribes agree, that all the necessary roads and highways, and railways, which may be constructed as the country improves, and the lines of which may run through their land west of the Big Blue River, shall have a right of way through the reservation, a just compensation being made therefor in money.

ARTICLE 12. The United States will pay to Lewis Barnard the sum of three hundred dollars, he having been in the service of the said tribes and they being unable to pay him.

ARTICLE 13. This treaty shall be obligatory on the contracting parties as soon of the same shall be ratified by the President and Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner as aforesaid, and the undersigned, chiefs of the said confederate tribes of Ottoes and Missourias, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

George W. Manypenny, Commissioner.	[L. s.]	
Ar-ke-kee-tah, his x mark, Or Stay By It.	[L. s.]	
Heh-cah-po, his x mark, Or Kickapoo.	[L. s.]	
Shaw-ka-haw-wa, his x mark, Or Medicine Horse.	[L. s.]	
Mi-ar-ke-tah-hun-she, his x mark, Or Big Soldier.	[L. s.]	} Ottoes.
Cha-won-a-ke, his x mark, Or Buffalo Chief.	[L. s.]	
Ah-hah-che-ke-saw-ke, his x mark, Or Missouriia Chief.	[L. s.]	} Missourias.
Maw-thra-ti-ne, his x mark, Or White Water.	[L. s.]	

Executed in the presence of us:

James M. Gatewood, Indian agent.
 Thomas Maxfield.
 H. N. Tabb.
 Charles Calvert.
 Jno. D. McPherson.
 Hezekiah Miller.
 Alfred Chapman.
 Henry Beard.
 Lewis Bernard, interpreter, his x mark.

TREATY WITH THE OMAHA, 1854.

Articles of agreement and convention made and concluded at the city of Washington this sixteenth day of March, one thousand eight hundred and fifty-four, by George W. Manyenny, as commissioner on the part of the United States, and the following-named chiefs of the Omaha tribe of Indians, viz: Shon-ga-ska, or Logan Fontenelle; E-sta-mah-za, or Joseph Le Flesche; Gra-tah-nah-je, or Standing Hawk; Gah-he-ga-gin-gah, or Little Chief; Ta-wah-gah-ha, or Village Maker; Wah-no-ke-ga, or Noise; So-da-nah-ze, or Yellow Smoke; they being thereto duly authorized by said tribe.

March 16, 1854.

10 Stats., 1043.
 Ratified Apr. 17,
 1854.
 Proclaimed June 21,
 1854.

ARTICLE 1. The Omaha Indians cede to the United States all their lands west of the Missouri River, and south of a line drawn due west from a point in the centre of the main channel of said Missouri River due east of where the Ayoway River disembogues out of the bluffs, to the western boundary of the Omaha country, and forever relinquish all right and title to the country south of said line: *Provided, however,* That if the country north of said due west line, which is reserved by the Omahas for their future home, should not on exploration prove to be a satisfactory and suitable location for said Indians, the President may, with the consent of said Indians, set apart and assign to them, within or outside of the ceded country, a residence suited for and acceptable to them. And for the purpose of determining at once and definitely, it is agreed that a delegation of said Indians, in company with their agent, shall, immediately after the ratification of this instrument, proceed to examine the country hereby reserved, and if it please the delegation, and the Indians in counsel express themselves satisfied, then it shall be deemed and taken for their future home; but if otherwise, on the fact being reported to the President, he is authorized to cause a new location, of suitable extent, to be made for the future home of said Indians, and which shall not be more in extent than three hundred thousand acres, and then and in that case, all of the country belonging to the said Indians north of said due west line, shall be and is hereby ceded to the United States by the said Indians, they to receive the same rate per acre for it, less the number of acres assigned in lieu of it for a home, as now paid for the land south of said line.

Cession of lands to
 the United States.

Reserve for the In-
 dians.

ARTICLE 2. The Omahas agree, that so soon after the United States shall make the necessary provision for fulfilling the stipulations of this instrument, as they can conveniently arrange their affairs, and not to exceed one year from its ratification, they will vacate the ceded country, and remove to the lands reserved herein by them, or to the other lands provided for in lieu thereof, in the preceding article, as the case may be.

Removal of the In-
 dians.

ARTICLE 3. The Omahas relinquish to the United States all claims, for money or other thing, under former treaties, and likewise all claim

Relinquishment of
 former claims.

which they may have heretofore, at any time, set up, to any land on the east side of the Missouri River: *Provided*, The Omahas shall still be entitled to and receive from the Government, the unpaid balance of the twenty-five thousand dollars appropriated for their use, by the act of thirtieth of August, 1851.

Payment to the Indians.

ARTICLE 4. In consideration of and payment for the country herein ceded, and the relinquishments herein made, the United States agree to pay to the Omaha Indians the several sums of money following, to wit;

1st. Forty thousand dollars, per annum, for the term of three years, commencing on the first day of January, eighteen hundred and fifty-five.

2d. Thirty thousand dollars per annum, for the term of ten years, next succeeding the three years.

3d. Twenty thousand dollars per annum, for the term of fifteen years, next succeeding the ten years.

4th. Ten thousand dollars per annum, for the term of twelve years, next succeeding the fifteen years.

How made.

All which several sums of money shall be paid to the Omahas, or expended for their use and benefit, under the direction of the President of the United States, who may from time to time determine at his discretion, what proportion of the annual payments, in this article provided for, if any, shall be paid to them in money, and what proportion shall be applied to and expended, for their moral improvement and education; for such beneficial objects as in his judgment will be calculated to advance them in civilization; for buildings, opening farms, fencing, breaking land, providing stock, agricultural implements, seeds, &c.; for clothing, provisions, and merchandise; for iron, steel, arms, and ammunition; for mechanics, and tools; and for medical purposes.

Further payment.

ARTICLE 5. In order to enable the said Indians to settle their affairs and to remove and subsist themselves for one year at their new home, and which they agree to do without further expense to the United States, and also to pay the expenses of the delegation who may be appointed to make the exploration provided for in article first, and to fence and break up two hundred acres of land at their new home, they shall receive from the United States, the further sum of forty-one thousand dollars, to be paid out and expended under the direction of the President, and in such manner as he shall approve.

Disposition of the lands reserved.

ARTICLE 6. The President may, from time to time, at his discretion, cause the whole or such portion of the land hereby reserved, as he may think proper, or of such other land as may be selected in lieu thereof, as provided for in article first, to be surveyed into lots, and to assign to such Indian or Indians of said tribe as are willing to avail of the privilege, and who will locate on the same as a permanent home, if a single person over twenty-one years of age, one-eighth of a section; to each family of two, one quarter section; to each family of three and not exceeding five, one half section; to each family of six and not exceeding ten, one section; and to each family over ten in number, one quarter section for every additional five members. And he may prescribe such rules and regulations as will insure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home and the improvements thereon. And the President may, at any time, in his discretion, after such person or family has made a location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years; and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force, until a State constitution, embracing such lands within its boundaries, shall have been formed,

and the legislature of the State shall remove the restrictions. And if any such person or family shall at any time neglect or refuse to occupy and till a portion of the lands assigned and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, cancel the assignment, and may also withhold from such person or family, their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of such tribe, or disposed of as is provided for the disposition of the excess of said land. And the residue of the land hereby reserved, or of that which may be selected in lieu thereof, after all of the Indian persons or families shall have had assigned to them permanent homes, may be sold for their benefit, under such laws, rules or regulations, as may hereafter be prescribed by the Congress or President of the United States. No State legislature shall remove the restrictions herein provided for, without the consent of Congress.

ARTICLE 7. Should the Omahas determine to make their permanent home north of the due west line named in the first article, the United States agree to protect them from the Sioux and all other hostile tribes, as long as the President may deem such protection necessary; and if other lands be assigned them, the same protection is guaranteed.

Protection from
hostile tribes.

ARTICLE 8. The United States agree to erect for the Omahas, at their new home, a grist and saw mill, and keep the same in repair, and provide a miller for ten years; also to erect a good blacksmith shop, supply the same with tools, and keep it in repair for ten years; and provide a good blacksmith for a like period; and to employ an experienced farmer for the term of ten years, to instruct the Indians in agriculture.

Grist and saw mill.

Blacksmith.

ARTICLE 9. The annuities of the Indians shall not be taken to pay the debts of individuals.

Annuities not to be
taken for debts.

ARTICLE 10. The Omahas acknowledge their dependence on the Government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities. Nor will they make war on any other tribe, except in self-defence, but will submit all matters of difference between them and other Indians to the Government of the United States, or its agent, for decision, and abide thereby. And if any of the said Omahas commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens.

Conduct of the
Indians.

Depredations.

ARTICLE 11. The Omahas acknowledge themselves indebted to Lewis Sounsosee, (a half-breed,) for services, the sum of one thousand dollars, which debt they have not been able to pay, and the United States agree to pay the same.

Payment to Lewis
Sounsosee.

ARTICLE 12. The Omahas are desirous to exclude from their country the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided that any Omaha who is guilty of bringing liquor into their country, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

Provision against in-
roduction of ardent
spirits.

ARTICLE 13. The board of foreign missions of the Presbyterian Church have on the lands of the Omahas a manual-labor boarding-school, for the education of the Omaha, Ottoo, and other Indian youth, which is now in successful operation, and as it will be some time before

Grant to the mis-
sions of the Presbye-
rian Church.

the necessary buildings can be erected on the reservation, and [it is] desirable that the school should not be suspended, it is agreed that the said board shall have four adjoining quarter sections of land, so as to include as near as may be all the improvements heretofore made by them; and the President is authorized to issue to the proper authority of said board, a patent in fee-simple for such quarter sections.

Construction of
roads.

ARTICLE 14. The Omahas agree that all the necessary roads, highways, and railroads, which may be constructed as the country improves, and the lines of which may run through such tract as may be reserved for their permanent home, shall have a right of way through the reservation, a just compensation being paid therefor in money.

ARTICLE 15. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said George W. Manypenny, commissioner as aforesaid, and the undersigned chiefs, of the Omaha tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written:

George W. Manypenny, Commissioner.	[L. s.]
Shon-ga-ska, or Logan Fontenelle, his x mark.	[L. s.]
E-sta-mah-za, or Joseph Le Flesche, his x mark.	[L. s.]
Gra-tah-mah-je, or Standing Hawk, his x mark.	[L. s.]
Gah-he-ga-gin-gah, or Little Chief, his x mark.	[L. s.]
Tah-wah-gah-ha, or Village Maker, his x mark.	[L. s.]
Wah-no-ke-ga, or Noise, his x mark.	[L. s.]
So-da-nah-ze, or Yellow Smoke, his x mark.	[L. s.]

Executed in the presence of us:

James M. Gatewood; Indian agent.
James Goszler.
Charles Calvert.
James D. Kerr.
Henry Beard.
Alfred Chapman.
Lewis Saunsoci, interpreter.

TREATY WITH THE DELAWARES, 1854.

May 6, 1854.
10 Stat., 1048.
Ratified July 11,
1854.
Proclaimed July 17,
1854.

Articles of agreement and convention made and concluded at the city of Washington this sixth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, as commissioner on the part of the United States, and the following-named delegates of the Delaware tribe of Indians, viz: Sarcovey; Ne-con-he-cond; Kock-ka-to-wha; Qua-cor-nov-ha, or James Segondyne; Ne-sha-pa-nacumin, or Charles Journeycake; Que-sha-to-wha, or John Ketchem; Pondow, or George Bullet; Kock-kock-quas, or James Ketchem; Ah-lah-a-chick, or James Conner, they being thereto duly authorized by said tribe.

Cession to the
United States.

Ante, p. 170.

ARTICLE 1. The Delaware tribe of Indians hereby cede, relinquish, and quit-claim to the United States all their right, title, and interest in and to their country lying west of the State of Missouri, and situate in the fork of the Missouri and Kansas Rivers, which is described in the article supplementary to the treaty of October third, one thousand eight hundred and eighteen, concluded, in part, on the twenty-fourth September, one thousand eight hundred and twenty-nine, at Council Camp, on James' Fork of White River, in the State of Missouri; and finally concluded at Council Camp, in the fork of the Kansas and Missouri Rivers, on the nineteenth October, one thousand eight hundred

and twenty-nine; and also their right, title, and interest in and to the "outlet" mentioned and described in said supplementary article, excepting that portion of said country sold to the Wyandot tribe of Indians, by instrument sanctioned by act of Congress approved July twenty-fifth, one thousand eight hundred and forty-eight, and also excepting that part of said country lying east and south of a line beginning at a point on the line between the land of the Delawares and the half-breed Kansas, forty miles, in a direct line, west of the boundary between the Delawares and Wyandots, thence north ten miles, thence in an easterly course to a point on the south bank of Big Island Creek, which shall also be on the bank of the Missouri River where the usual high-water line of said creek intersects the high-water line of said river.

Reservation.

1848, ch. 118.

ARTICLE 2. The United States hereby agree to have the ceded country (excepting the said "outlet") surveyed, as soon as it can be conveniently done, in the same manner that the public lands are surveyed—such survey to be commenced and prosecuted as the President of the United States may deem best. And the President will, so soon as the whole or any portion of said lands are surveyed, proceed to offer such surveyed lands for sale, at public auction, in such quantities as he may deem proper, being governed in all respects, in conducting such sales, by the laws of the United States respecting the sales of the public lands; and such of the lands as may not be sold at the public sales, shall thereafter be subject to private entry, in the same manner that private entries are made of United States lands; and any, or all, of such lands as remain unsold, after being three years subject to private entry, at the minimum Government price, may, by act of Congress, be graduated and reduced in price, until all said lands are sold; regard being had in said graduation and reduction to the interests of the Delawares, and also to the speedy settlement of the country.

Disposition of ceded country.

ARTICLE 3. The United States agree to pay to the Delaware tribe of Indians the sum of ten thousand dollars; and, in consideration thereof, the Delaware tribe of Indians hereby cede, release, and quit-claim to to the United States, the said tract of country hereinbefore described as the "outlet." And as a further and full compensation for the cession made by the first article, the United States agree to pay to said tribe all the moneys received from the sales of the lands provided to be surveyed in the preceding article, after deducting therefrom the cost of surveying, managing, and selling the same.

Payment to the Indians.

ARTICLE 4. The Delaware Indians have now, by treaty stipulation, the following permanent annuities, to wit: One thousand dollars per fourth article of the treaty of third August, one thousand seven hundred and ninety-five. Five hundred dollars, per third article of the treaty of thirtieth of September, one thousand eight hundred and nine. Four thousand dollars per fifth article of the treaty of the third October, one thousand eight hundred and eighteen. One thousand dollars per supplemental treaty of twenty-fourth September, one thousand eight hundred and twenty-nine. One hundred dollars for salt annuity, per third article of the treaty of June seventh, one thousand eight hundred and three. Nine hundred and forty dollars, for blacksmith annuity, per sixth article of the treaty of third October, one thousand eight hundred and eighteen. All which several permanent annuities they hereby relinquish and forever absolve the United States from the further payment thereof; in consideration whereof the United States agree to pay to them, under the direction of the President, the sum of one hundred and forty-eight thousand dollars, as follows: seventy-four thousand dollars in the month of October, one thousand eight hundred and fifty-four, and seventy-four thousand dollars in the month of October, one thousand eight hundred and fifty-five. The object of converting the permanent annuities into these two payments being to aid the Delawares in making improvements on their present

Payment in lieu of annuities.

farms, and opening new ones on the land reserved, building houses, buying necessary household furniture, stock, and farming-utensils, and such other articles as may be necessary to their comfort.

The value of the school land to remain at interest as heretofore.

ARTICLE 5. It is agreed that the sum of forty-six thousand and eighty dollars, being the value of the thirty-six sections of land set apart for school purposes by the supplemental treaty of one thousand eight hundred and twenty-nine, remain for the present at five per cent. interest, as stipulated by the resolution of the Senate of the nineteenth January, one thousand eight hundred and thirty-eight.

Payment to chiefs.

ARTICLE 6. The Delawares feel now, as heretofore, grateful to their old chiefs for their long and faithful services. In former treaties, when their means were scanty, they provided, by small life-annuities, for the wants of these chiefs, some of whom are now receiving them. These chiefs are poor, and the Delawares believe it their duty to keep them from want in their old and declining age. It is the wish of the Delawares, and hereby stipulated and agreed, that the sum of ten thousand dollars, the amount provided in the third article as a consideration for the "outlet," shall be paid to their five chiefs, to wit: Captain Ketchem, Sarkoxey, Segondyné, Neconhecond, and Kock-kato-wha, in equal shares of two thousand dollars each, to be paid as follows: to each of said chiefs, annually, the sum of two hundred and fifty dollars, until the whole sum is paid: *Provided*, That if any one or more of said chiefs die before the whole or any part of the sum is paid, the annual payments remaining to his share shall be paid to his male children, and, in default of male heirs, then to the legal representatives of such deceased chief or chiefs; and it is understood that the small life-annuities stipulated for by former treaties, shall be paid as directed by said treaties.

Investment of surplus from sales, and appropriation of the income.

ARTICLE 7. It is expected that the amount of moneys arising from the sales herein provided for will be greater than the Delawares will need to meet their current wants; and as it is their duty, and their desire also, to create a permanent fund for the benefit of the Delaware people, it is agreed that all the money not necessary for the reasonable wants of the people, shall from time to time be invested by the President of the United States, in safe and profitable stocks, the principal to remain unimpaired, and the interest to be applied annually for the civilization, education, and religious culture of the Delaware people, and such other objects of a beneficial character, as in his judgment, are proper and necessary.

Same subject.

ARTICLE 8. As the annual receipts from the sales of the lands cannot now be determined, it is agreed that the whole subject be referred to the judgment of the President, who may, from time to time, prescribe how much of the net proceeds of said sales shall be paid out to the Delaware people, and the mode and manner of such payment, also how much shall be invested, and in distributing the funds to the people, due regard and encouragement shall be given to that portion of the Delawares who are competent to manage their own affairs, and who know and appreciate the value of money; but Congress may, at any time, and from time to time, by law, make such rules and regulations in relation to the funds arising from the sale of said lands, and the application thereof for the benefit and improvement of the Delaware people, as may in the wisdom of that body, seem just and proper.

Private debts not to be paid from the general fund.

ARTICLE 9. The debts of Indians, contracted in their private dealings as individuals, whether to traders or otherwise, shall not be paid from the general fund.

Ardent spirits

ARTICLE 10. The Delawares promise to renew their efforts to suppress the introduction and the use of ardent spirits in their country and among their people, and to encourage industry, integrity, and virtue, so that every one may become civilized, and, as many now are, competent to manage their business affairs; but should some of them

unfortunately continue to refuse to labor, and remain or become dissipated and worthless, it shall be discretionary with the President to give such direction to the portion of funds, from time to time, due to such persons, as will prevent them from squandering the same, and secure the benefit thereof to their families.

ARTICLE 11. At any time hereafter, when the Delawares desire it, and at their request and expense, the President may cause the country reserved for their permanent home to be surveyed in the same manner as the ceded country is surveyed, and may assign such portion to each person or family as shall be designated by the principal men of the tribe: *Provided*, Such assignment shall be uniform.

Divisions of lands reserved for a home.

ARTICLE 12. In the settlement of the country adjacent to the Delaware reservation, roads and highways will become necessary, and it is agreed that all roads and highways laid out by authority of law, shall have a right of way through the reserved lands, on the same terms that the law provides for their location through the lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the said reservation, shall have the right of way, on payment of a just compensation therefor in money.

Construction of roads.

ARTICLE 13. The Christian Indians live in the country herein ceded, and have some improvements. They desire to remain where they are, and the Delawares are willing, provided the Christian Indians can pay them for the land. It is therefore agreed that there shall be confirmed by patent to the said Christian Indians, subject to such restrictions as Congress may provide, a quantity of land equal to four sections, to be selected in a body from the surveyed lands, and to include their present improvements: *Provided*, The said Christian Indians, or the United States for them, pay to the Secretary of the Interior for the use of the Delaware Indians, within one year from the date of the ratification of this treaty, the sum of two dollars and fifty cents per acre therefor: *And provided further*, That the provisions of article twelve, in relation to roads, highways, and railroads, shall be applicable to the land thus granted to the Christian Indians.

Provisions respecting the lands occupied by the Christian Indians.

ARTICLE 14. The Delawares acknowledge their dependence on the Government of the United States, and invoke its protection and care. They desire to be protected from depredations and injuries of every kind, and to live at peace with all the Indian tribes; and they promise to abstain from war, and to commit no depredations on either citizens or Indians; and if, unhappily, any difficulty should arise, they will at all times, as far as they are able, comply with the law in such cases made and provided, as they will expect to be protected and their rights vindicated by it, when they are injured.

Conduct of the Indians.

Submission to United States Government.

ARTICLE 15. A primary object of this instrument being to advance the interests and welfare of the Delaware people, it is agreed, that if it prove insufficient to effect these ends, from causes which cannot now be foreseen, Congress may hereafter make such further provision, by law, not inconsistent herewith, as experience may prove to be necessary to promote the interests, peace, and happiness of the Delaware people.

Laws may be passed to carry out the objects of this treaty.

ARTICLE 16. It is agreed by the parties hereto, that the provisions of the act of Congress, approved third of March, one thousand eight hundred and seven, in relation to lands ceded to the United States, shall, so far as applicable, be extended to the lands herein ceded.

Act of 1807, ch. 46, applicable to the ceded land.*

ARTICLE 17. It is further stipulated, that should the Senate of the United States reject the thirteenth article hereof; such rejection shall in no wise affect the validity of the other articles.

ARTICLE 18. This instrument shall be obligatory on the contracting parties as soon as the same shall be ratified by the President, and the Senate, of the United States.

In testimony whereof the said George W. Manypenny, commissioner

as aforesaid, and the said delegates of the Delaware tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

George W. Manypenny, Commissioner.	[L. s.]
Sarcoxe, his x mark.	[L. s.]
Ne-con-he-cond, his x mark.	[L. s.]
Kock-ka-to-wha, his x mark.	[L. s.]
Qua-cor-now-ha, or James Segondyne, his x mark.	[L. s.]
Ne-sha-pa-na-cumin, or Charles Journeycake.	[L. s.]
Que-sha-to-wha, or John Ketchem, his x mark.	[L. s.]
Pondoxy, or George Bullet, his x mark.	[L. s.]
Kock-kock-quas, or James Ketchem.	[L. s.]
Ah-lah-a-chick, or James Conner, his x mark.	[L. s.]

Executed in the presence of:

Thos. Johnson.
Charles Calvert.
Douglas H. Cooper.
Wm. B. Waugh.
Henry Beard.
B. F. Robinson, Indian agent.
Henry Tiblow, United States interpreter.

TREATY WITH THE SHAWNEE, 1854.

May 10, 1854.
10 Stat. 1063.
Ratified Aug. 2,
1854.
Proclaimed Nov. 2,
1854.

Articles of agreement and convention made and concluded at the city of Washington, this tenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, as commissioner on the part of the United States, and the following-named delegates, representing the bands of Shawnees who were parties to the treaties of seventh of November, one thousand eight hundred and twenty-five, and eighth of August, one thousand eight hundred and thirty-one, viz: Joseph Parks, Black Hoof, George McDougal, Longtail, George Blue Jacket, Graham Rogers, Wa-wah-che-pa-e-kar, or Black Bob, and Henry Blue Jacket, they being thereto duly authorized by the now united tribe of said Shawnee Indians.

Cession to the United
States of reserve.

Ante, p. 262.

Ante, p. 331.

Boundaries of said
reserve.

ARTICLE 1. The Shawnee tribe of Indians hereby cede and convey to the United States, all the tract of country lying west of the State of Missouri, which was designated and set apart for the Shawnees in fulfillment of, and pursuant to, the second and third articles of a convention made between William Clark, superintendent of Indian affairs, and the chiefs and head-men of the Shawnee Nation of Indians, at St. Louis, on the seventh day of November, one thousand eight hundred and twenty-five, which said tract was conveyed to said tribe, (subject to the right secured by the second article of the treaty made at Wapaghkonetta, on the eighth day August, one thousand eight hundred and thirty-one,) by John Tyler, President of the United States, by deed bearing date the eleventh day of May, one thousand eight hundred and forty-four—said tract being described by metes and bounds as follows: "Beginning at a point in the western boundary of the State of Missouri, three miles south of where said boundary crosses the mouth of Kansas River, thence continuing south and coinciding with said boundary for twenty-five miles; thence due west one hundred and twenty miles; thence due north, until said line shall intersect the southern boundary of the Kansas reservation; thence due east, coinciding with the southern boundary of said reservation, to the termination thereof; thence due north, coinciding with the eastern boundary

of said reservation, to the southern shore of the Kansas River; thence along said southern shore of said river, to where a line from the place of beginning drawn due west, shall intersect the same"—estimated to contain sixteen hundred thousand acres, more or less.

ARTICLE 2. The United States hereby cede to the Shawnee Indians two hundred thousand acres of land, to be selected between the Missouri State line, and a line parallel thereto, and west of the same, thirty miles distant; which parallel line shall be drawn from the Kansas River, to the southern boundary-line of the country herein ceded; *Provided, however,* That the few families of Shawnees who now reside on their own improvements in the ceded country west of said parallel line, many, if they desire to remain, select there, the same quantity of land for each individual of such family, which is hereinafter provided for those Shawnees residing east of said parallel line—the said selection, in every case, being so made as to include the present improvement of each family or individual. Of the lands lying east of the parallel line aforesaid, there shall first be set apart to the Missionary Society of the Methodist Episcopal Church South, to include the improvements of the Indian manual-labor school, three sections of land; to the Friends' Shawnee labor-school, including the improvements there, three hundred and twenty acres of land; and to the American Baptist Missionary Union, to include the improvements where the superintendent of their school now resides, one hundred and sixty acres of land; also five acres of land to the Shawnee Methodist Church, including the meeting-house and graveyard; and two acres of land to the Shawnee Baptist Church, including the meeting-house and graveyard. All the land selected, as herein provided, west of said parallel line, and that set apart to the respective societies for schools, and to the churches before named, shall be considered as part of the two hundred thousand acres reserved by the Shawnees.

All Shawnees residing east of said parallel line shall be entitled to, out of the residue of said two hundred thousand acres, if a single person, two hundred acres, and if the head of a family, a quantity equal to two hundred acres for each member of his or her family—to include, in every case, the improvement on which such person or family now resides; and if two or more persons or families occupy the same improvement, or occupy different improvements in such close proximity, that all of such persons or families cannot have the quantity of land (to include their respective improvements) which they are entitled to, and if in such cases the parties should be unable to make an amicable arrangement among themselves, the oldest occupant or settler shall have the right to locate his tract so as to include said improvements, and the others must make a selection elsewhere, adjoining some Shawnee settlement; and in every such case, the person or family retaining the improvement shall pay those leaving it for the interest of the latter therein—the value of the same to be fixed, when the parties cannot agree thereupon, by such tribunal, and in such mode, as may be prescribed by the Shawnee council, with the consent of the United States agent for that tribe.

The privilege of selecting lands, under this provision, shall extend to every head of a family, who, although not a Shawnee, may have been legally married to a Shawnee, according to the customs of that people, and adopted by them; and to all minor orphan children of Shawnees, and of persons who have been adopted as Shawnees, who shall not have received their shares with any family; and all incompetent persons shall have selections made for them adjacent, or as near as practicable, to their friends or relatives, which selections shall be made by some disinterested person or persons, appointed by the Shawnee council, and approved by the United States agent. In the

Cession to Shawnee.

Lands of Methodist
Missionary Society.

Friends' Shawnee
Labor School.

American Baptist
Missionary Union.

Shawnee Methodist
Church.
Shawnee Baptist
Church.

How the lands se-
lected are to be
divided.

Provision for Black
Bob's settlement and
Long Tail's settle-
ment.

Provision for absent
Shawnees.

Assignments and
selections—how
made.

settlement known as Black Bob's settlement, in which he has an improvement, whereon he resides; and in that known as Long Tail's settlement, in which he has an improvement whereon he resides, there are a number of Shawnees who desire to hold their lands in common; it is therefore agreed that all Shawnees, including the persons adopted as aforesaid, and incompetent persons, and minor orphan children, who reside in said settlements respectively, and all who shall, within sixty days after the approval of the surveys hereinafter provided for, signify to the United States agent their election to join either of said communities and reside with them, shall have a quantity of land assigned and set off to them, in a compact body, at each of the settlements aforesaid, equal to two hundred acres to every individual in each of said communities. A census of the Shawnees residing at each of these settlements, and of the minor orphan children of their kindred, and of those electing to reside in said communities, shall be taken by the United States agent for the Shawnees, in order that a quantity of land equal to two hundred acres for each person may be set off and allotted them, to hold in common as aforesaid. After all the Shawnees, and other persons herein provided for, shall have received their shares of the two hundred thousand acres of land reserved, it is anticipated that there will still be a residue; and as there are some Shawnees who have been for years separated from the tribe, it is agreed that whatever surplus remains, after provision is made for all present members of the tribe, shall be set apart, in one body of land, in compact form, under the direction of the President of the United States; and all such Shawnees as return to, and unite with the tribe, within five years from the proclamation of this instrument, shall be entitled to the same quantity of lands, out of said surplus, and in the same manner, and subject to the same limitations and provisions, as are hereinbefore made for those now members of the said tribe; and whatever portion of said surplus remains unassigned, after the expiration of said five years, shall be sold as hereinafter provided,—the proceeds of all such sales shall be retained in the Treasury of the United States until the expiration of ten years from the proclamation of this instrument, after which time, should said absent Shawnees not have returned and united with the tribe, all the moneys then in the Treasury, or that may thereafter be received therein, as proceeds of the sales of such surplus land, shall be applied to, or invested for, such beneficial or benevolent objects among the Shawnees, as the President of the United States, after consulting with the Shawnee council, shall determine,—and should any such absent Shawnees return and unite with said tribe, after the expiration of the period of five years hereinbefore mentioned, and before the expiration of the said period of ten years, the proper portion of any of said residue of lands that then may remain unsold shall be assigned to such persons; and if all said lands have been disposed of, an equitable payment in money shall be made to them out of the proceeds of the said sales. The aforesaid assignments and selections of lands in the tract lying between the Missouri State-line and the said parallel line, shall be made within ninety days after the approval of the survey of said tract, and if there be any individuals recognized as at present entitled to lands therein, under the provisions of this article, who shall not have selected, or had selected for them, within said ninety days, their proper shares of land, the Shawnee council shall select one or more disinterested persons, who shall, immediately after the expiration of such ninety days, make selections of lands for them, in the same manner, and subject to the same restrictions, as hereinbefore provided for minor orphan children, not members of a family, and for incompetent persons. And those residing on improvements west of the said parallel line, shall, within sixty days after the approval

of the survey of the lands on which they live, make the selections of lands as, and to the amount, they are hereinbefore authorized to do. It is agreed that all the tracts of land in this article assigned, or provided to be assigned or selected, shall be assigned and selected according to the legal subdivisions of United States lands, and according to the laws of the United States respecting the entry of public lands, so far as said laws are applicable; and no portion of this instrument shall be so construed as to nullify or impair this stipulation. And the said Indians hereby cede, relinquish, and convey to the United States, all tracts or parcels of land which may be sold, or are required to be sold in pursuance of any article of this instrument.

ARTICLE 3. In consideration of the cession and sale herein made, the United States agree to pay to the Shawnee people, the sum of eight hundred and twenty-nine thousand dollars, in manner as follows, viz: Forty thousand dollars to be invested by the United States, at a rate of interest not less than five per centum per annum, which, as it accrues, is to be applied to the purposes of education; that amount, with the addition of the three thousand dollars of perpetual annuities provided by the treaties of August third, one thousand seven hundred and ninety-five, and September twenty-ninth, one thousand eight hundred and seventeen, and now hereby agreed to be likewise so applied, together with the sum to be paid by the Missionary Society of the Methodist Episcopal Church South, as hereinafter provided, being deemed by the Shawnees as sufficient, for the present, for such purposes. Seven hundred thousand dollars, to be paid in seven equal annual installments, during the month of October of each year, commencing with the year one thousand eight hundred and fifty-four; and the residue of eighty-nine thousand dollars, to be paid within the same month of the year, after the termination of that period.

ARTICLE 4. Those of the Shawnees who may elect to live in common shall hereafter be permitted, if they so desire, to make separate selections within the bounds of the tract which may have been assigned to them in common; and such selections shall be made in all respects in conformity with the rule herein provided to govern those who shall, in the first instance, make separate selections.

ARTICLE 5. The lands heretofore described lying between the Missouri State-line, and the parallel line thirty miles west of it, as soon after the ratification of this instrument as can conveniently be done, shall be surveyed, in the same manner as the public lands of the United States are surveyed, the expenses thereof to be borne by the Shawnees and the United States in due proportion; and no white persons or citizens shall be permitted to make locations or settlements within said limits, until after all the lands shall have been surveyed, and the Shawnees shall have made their selections and locations, and the President shall have set apart the surplus.

ARTICLE 6. The grants of land above made to missionary societies and churches, shall be subject to these conditions: The grant to the Missionary Society of the Methodist Episcopal Church South, at the Indian manual-labor school, shall be confirmed to said society, or to such person or persons as may be designated by it, by patent, from the President of the United States, upon the allowance to the Shawnees, by said society, of ten thousand dollars, to be applied to the education of their youth; which it has agreed to make. The grants for the schools established by the Baptists and Friends, shall be held by their respective boards of missions, so long as those schools shall be kept by them—when no longer used for such purpose by said boards, the lands, with the improvements, shall, under the direction of the President, be sold at public sale, to the highest bidder, upon such terms as he may prescribe, the proceeds to be applied by the Shawnees to such general beneficial and charitable purposes as they may wish: *Provided*, That

Payments in consideration of said cession.

Ante, p. 39.
Ante, p. 145.

Provision for Shawnees electing to live in common.

Sale of said lands.

Locations and settlements forbidden until, etc.

Conditions of the above grants to societies and schools.

the improvements shall be valued, and the valuation deducted from the proceeds of sale, and returned to said boards respectively.

Share of Joseph
Parks and Black Hoof.

ARTICLE 7. Inasmuch as Joseph Parks and Black Hoof, who have in times past rendered important services to the Shawnee Nation, would not, by reason of the small number of persons in their families, be entitled under the provisions of Article 2 to a quantity of land equal to that which will be generally received by the other members of the tribe, it is agreed, at the request of the Shawnees, that Joseph Parks, in lieu of the land which he would have a right to select under the provisions of Article 2, shall have a quantity of land equal to two sections, or twelve hundred and eighty acres, to include his present residence and improvement; and Black Hoof, in lieu of that which he would have a right to select as aforesaid, shall have a quantity of land equal to one section, or six hundred and forty acres, to include his present residence and improvement; and they shall make selections of the land hereby granted them in the same manner and subject to the same limitations as are prescribed in Article 2, for such as shall make separate selections, in severalty, under the provisions thereof.

How money shall
be paid.

ARTICLE 8. Such of the Shawnees as are competent to manage their affairs shall receive their portions of the aforementioned annual instalments in money. But the portions of such as shall be found incompetent to manage their affairs, whether from drunkenness, depravity, or other cause, shall be disposed of by the President in that manner deemed by him best calculated to promote their interests and the comfort of their families, the Shawnee council being first consulted with respect to such persons, whom it is expected they will designate to their agent. The portions of orphan children shall be appropriated by the President in the manner deemed by him best for their interests.

Land patents to
issue.

ARTICLE 9. Congress may hereafter provide for the issuing, to such of the Shawnees as may make separate selections, patents for the same, with such guards and restrictions as may seem advisable for their protection therein.

Said payments not
to be stopped for
debts.

ARTICLE 10. No portion of the money stipulated by this instrument to be paid to the Shawnees, shall be taken by the Government of the United States, by its agent or otherwise, to pay debts contracted by the Shawnees, as private individuals; nor any part thereof for the payment of national debts or obligations contracted by the Shawnee chiefs or council; *Provided*, That this article shall not be construed to prohibit the council from setting apart a portion of any annual payment, for purposes strictly national in their character, and for the payment of national or tribal debts, first to be approved by the President.

Payment in full sat-
isfaction of all claims.

ARTICLE 11. It being represented that many of the Shawnees have sustained damage in the loss and destruction of their crops, stock, and other property, and otherwise, by reason of the great emigration which has for several years passed through their country, and of other causes, in violation, as they allege, of guaranties made for their protection by the United States, it is agreed that there shall be paid, in consideration thereof, to the Shawnees, the sum of twenty-seven thousand dollars, which shall be taken and considered in full satisfaction, not only of such claim, but of all others of what kind soever, and in release of all demands and stipulations arising under former treaties, with the exception of the perpetual annuities, amounting to three thousand dollars, hereinbefore named, and which are set apart and appropriated in the third article hereof. All Shawnees who have sustained damage by the emigration of citizens of the United States, or by other acts of such citizens, shall, within six months after the ratification of this treaty, file their claims for such damages with the Shawnee agent, to be submitted by him to the Shawnee council for their action and decision and the amount in each case approved shall be paid by said agent: *Provided*, The whole amount of claims thus approved, shall not exceed

Proof of claims.

the said sum stipulated for in this article: *And provided*, That if such amount shall exceed that sum then a reduction shall be made, *pro rata*, from each claim until the aggregate is lowered to that amount. If less than that amount be adjudged to be due, the residue, it is agreed, shall be appropriated as the council shall direct.

ARTICLE 12. If, from causes not now foreseen, this instrument should prove insufficient for the advancement and protection of the welfare and interest of the Shawnees, Congress may hereafter, by law make such further provision, not inconsistent herewith, as experience may prove to be necessary to promote the interests, peace, and happiness of the Shawnee people.

Congress may make further provisions to effectuate the objects of this treaty.

ARTICLE 13. It is agreed that all roads and highways, laid out by authority of the law, shall have a right of way through any of the reserved, assigned, and selected lands, on the same terms that the law provides for their location through the lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through any of said lands, shall have the right of way, on payment of a just compensation therefor in money.

Right of way over selected lands.

ARTICLE 14. The Shawnees acknowledge their dependence on the Government of the United States, and invoke its protection and care. They will abstain from the commission of depredations, and comply, as far as they are able, with the laws in such cases made and provided, as they will expect to be protected, and to have their rights vindicated.

Conduct of Indians.

ARTICLE 15. The Shawnees agree to suppress the use of ardent spirits among their people, and to resist, by all prudent means, its introduction into their settlements.

Provision against ardent spirits.

ARTICLE 16. The United States reserve, at the site of the agency-house in the Shawnee country, including the improvements, one hundred and sixty acres of land.

Reservation at the agency house.

ARTICLE 17. The foregoing instrument shall be obligatory on the contracting parties, as soon as the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said George W. Manypenny, commissioner aforesaid, and the undersigned delegates representing the bands of Shawnees who were parties to the treaties of seventh November, one thousand eight hundred and twenty-five, and eighth of August, one thousand eight hundred and thirty-one, have hereunto set their hands and seals, at the place, and on the day and year, first hereinbefore written.

George W. Manypenny, Commissioner.

[L. S.]

Joseph Parks, his x mark.

[L. S.]

Black Hoof, his x mark.

[L. S.]

George McDougal, his x mark.

[L. S.]

Longtail, his x mark.

[L. S.]

George Blue Jacket, his x mark.

[L. S.]

Grayham Rogers,

[L. S.]

Wa-wah-che pa-e-kar,

Or Black Bob, his x mark.

[L. S.]

Henry Blue Jacket, his x mark.

[L. S.]

Executed in presence of—

Charles Calvert,
Benjamin S. Love,
Holmes Colbert,
James Lindsey,
Alfred Chapman,
Wm. B. Waugh,
B. F. Robinson, Indian agent,
Chas. Blue Jacket, United States interpreter.

We the undersigned chiefs, Councillors, and head men of the United tribe of Shawnee Indians, on behalf of said united tribe, now in full council assembled, having had fully explained to us the amendments made on the 2d of August, 1854, by the Senate of the United States, to the articles of agreement and convention which were concluded at the City of Washington, on the 10th day of May, 1854, between George W. Manypenny, as Commissioner on the part of the United States, and Joseph Parks, Black Hoof, George McDougal, Longtail, George Blue Jacket, Graham Rogers, Wa-wah-che-pa-e-kar, or Black Bob, and Henry Blue Jacket, delegates representing the bands of Skawnees who were parties to the treaties of Nov. 7th, 1825, and of August 8th, 1831, and which bands compose the now united band assembled,

Which are in the following words, viz:

AMENDMENTS.

ARTICLE 1. Strike out the following words:

"Excepting and reserving therefrom two hundred thousand acres for homes for the Shawnee people, which said two hundred thousand acres is retained, as well for the benefit of those Shawnees, parties to the treaty of August 8th, 1831, as for those parties to the treaty of November 7, 1825."

ARTICLE 2. Strike out the following words where the[y] first occur: "The two hundred thousand acres of land reserved by the Shawnees, shall" and insert the following in lieu thereof:

The United States hereby cede to the Shawnee Indians two hundred thousand acres of land to be

ARTICLE 10. Strike out the word "small," and after the word "character" insert the following:

And for the payment of national or tribal debts — do hereby accept and consent to the said amendments to the articles of agreement and convention aforesaid, and agree that the same shall be considered as a part thereof. But this assent is given on the condition that neither the present, or any future council, shall ever make provision for the pretended claims of R. W. Thompson, of Indiana, George C. Johnson, of Ohio, or Ewing and Clymer: and upon the further condition that no national or tribal obligations shall ever be made by the council to pay the debts of individual Shawnees to traders or other persons.

In testimony whereof, we have hereunto set our hands and affixed our seals, this 21st day of August, A. D. 1854.

Joseph Parks, his x mark	[L. s.]	John Flint, his x mark	[L. s.]
Henry Blue Jacket, his x mark	[L. s.]	Tucker, his x mark	[L. s.]
Graham Rogers, his x mark	[L. s.]	James Suckett, his x mark	[L. s.]
Matthew King, his x mark	[L. s.]	Tooly, his x mark	[L. s.]
Paschal Fish, his x mark	[L. s.]	Silas Dougherty, his x mark	[L. s.]
Joseph Flint, his x mark	[L. s.]	Jackson Rogers, his x mark	[L. s.]
Lewis Dougherty, his x mark	[L. s.]	Joseph White, his x mark	[L. s.]
Joseph Day, his x mark	[L. s.]	John Parks, his x mark	[L. s.]
Silverheels, his x mark	[L. s.]	David Dushane, his x mark	[L. s.]
Black Wolf, his x mark	[L. s.]	Levi Flint, his x mark	[L. s.]
Greyfeather, his x mark	[L. s.]	Neona, his x mark	[L. s.]
Joseph Dougherty, his x mark	[L. s.]	William Shoto, his x mark	[L. s.]
George Francis, his x mark	[L. s.]	George Flint, his x mark	[L. s.]
Wilson Rogers, his x mark	[L. s.]	John Shane, his x mark	[L. s.]
Pacutsekah, his x mark	[L. s.]	Jackson Wheeler, his x mark	[L. s.]
Kakwekah, his x mark	[L. s.]		
David Deshane, his x mark,	[L. s.]	Bill Littletail, his x mark,	[L. s.]
Morris, his x mark,	[L. s.]	George McDougal, his x mark,	[L. s.]

Executed in presence of us, Augt. 21, 1854—

Richard C. Meek,
A. S. Johnson,
Thomas S. Lewis,
Luther M. Carter,
Charles Blue Jacket, United States interpreter.

I do hereby certify that the foregoing instrument of writing was fully explained by me to the Shawnee tribe of Indians, in council assembled, on the day and year last above written, and that they did accept and consent to the said foregoing instrument of writing, and subscribed their names and affixed their seals thereto, in my presence.

Given under my hand this 22d day of Aug., 1854.

B. F. Robinson,

Indian Agent for the Kansas Agency.

Whereas the Shawnee Indians in full council assembled did, on the 21st day of August, 1854, assent to the amendments of the Senate of the 2d of August, 1854, to the Articles of Agreement and Convention, concluded between them and the United States on the 10th of May, 1854, which assent was coupled with conditions as follows: "But this assent is given on the condition that neither the present or any future council shall ever make provision for the pretended claims of R. W. Thompson of Indiana, George C. Johnson of Ohio, or Ewing and Clymer; and upon the further condition, that no national or tribal obligations shall ever be made by the council to pay the debts of individual Shawnees to traders or other persons." And whereas the Secretary of the Department of the Interior, having in his letter of September 12th, 1854, to the Superintendent of Indian Affairs at St. Louis, expressed the opinion that the above-named conditions were of such a character as to require the constitutional action of the Senate, before the treaty could be proclaimed or executed. And whereas the said Shawnee Indians are now in full council assembled to take into consideration the suggestion or advice of the Secretary of the Interior that the assent to said amendments should be unconditional. Therefore, we the chiefs, councillors, and head men of said tribe, in their behalf, and by their direction, and in review of the suggestions in the letter of the Secretary of the Interior, do rescind the said conditions, and hereby assent to the said amendments, and unconditionally accept and consent to the same.

In testimony whereof we have hereunto set our hands and affixed our seals, this 28th day of September, 1854.

Joseph Parks, his x mark,	[L. s.]	George Flint, his x mark,	[L. s.]
George McDougal, his x mark,	[L. s.]	John Shane, his x mark,	[L. s.]
Black Hoof, his x mark,	[L. s.]	David Deshane, his x mark,	[L. s.]
Henry Blue Jacket, his x mark,	[L. s.]	Morris, his x mark,	[L. s.]
Graham Rogers, his x mark,	[L. s.]	Little Tom, his x mark,	[L. s.]
Mathew King, his x mark,	[L. s.]	John Ham, his x mark,	[L. s.]
Paschal Fish, his x mark,	[L. s.]	William Barber, his x mark,	[L. s.]
Joseph Flint, his x mark,	[L. s.]	White Deer, his x mark,	[L. s.]
Joseph Hay, his x mark,	[L. s.]	Big Jim, his x mark,	[L. s.]
Wilson Rogers, his x mark,	[L. s.]	James McLane, his x mark,	[L. s.]
Longtail, his x mark,	[L. s.]	Qwaper, his x mark,	[L. s.]
George Blue Jacket, his x mark,	[L. s.]	Ka-ka, his x mark,	[L. s.]
Pa-keet-ee-cha, his x mark,	[L. s.]	John Whitefeather, his x mark,	[L. s.]
John Flint, his x mark,	[L. s.]	Qwelena, his x mark,	[L. s.]
Tucker, his x mark,	[L. s.]	Simon Harvey, his x mark,	[L. s.]
James Sucket, his x mark,	[L. s.]	George Big Knife, his x mark,	[L. s.]
Toola, his x mark,	[L. s.]	Charles Fish, his x mark,	[L. s.]
Jackson Rogers, his x mark,	[L. s.]	Possom, his x mark,	[L. s.]
Joseph White, his x mark,	[L. s.]	James Kizen, his x mark,	[L. s.]
John Parks, his x mark,	[L. s.]	Te-la-so, his x mark,	[L. s.]
David Deshane, his x mark,	[L. s.]	John Teenmossa, his x mark,	[L. s.]
Levi Flint, his x mark,	[L. s.]	John Francis, his x mark,	[L. s.]
Neona, his x mark,	[L. s.]		

Executed in presence of us, this 28th September, 1854—

J. W. Whitfield, Indian agent Upper Platte,

A. S. Johnson,

Charles Blue Jacket, United States interpreter.

I do hereby certify that the foregoing instrument of writing was fully explained by me, to the Shawnee tribe of Indians in council assembled,

on the 28th day of September, 1854, and that they did accept and consent to the said foregoing instrument of writing, and subscribed their names and affixed their seals thereto, in my presence, on the day and year last aforesaid.

Given under my hand this 11th day of October, 1854.

B. F. Robinson,
Indian Agent.

TREATY WITH THE MENOMINEE, 1854.

May 12, 1854.
10 Stats., p. 1064.
Proclamation Aug.
2, 1854.

Articles of agreement made and concluded at the Falls of Wolf River, in the State of Wisconsin, on the twelfth day of May, one thousand eight hundred and fifty-four, between the United States of America, by Francois Huebschmann, superintendent of Indian affairs, duly authorized thereto, and the Menominee tribe of Indians, by the chiefs, headmen, and warriors of said tribe—such articles being supplementary and amendatory to the treaty made between the United States and said tribe on the eighteenth day of October, one thousand eight hundred and forty-eight.

Preamble

Whereas, among other provisions contained in the treaty in the caption mentioned, it is stipulated that for and in consideration of all the lands owned by the Menomonees, in the State of Wisconsin, wherever situated, the United States should give them all that country or tract of land ceded by the Chippewa Indians of the Mississippi and Lake Superior, in the treaty of the second of August, eighteen hundred and forty-seven, and by the Pillager band of Chippewa Indians in the treaty of the twenty-first of August, eighteen hundred and forty-seven, which had not been assigned to the Winnebagoes, guaranteed not to contain less than six hundred thousand acres; should pay them forty thousand dollars for removing and subsisting themselves; should give them fifteen thousand dollars for the establishment of a manual-labor school, the erection of a grist and saw mill, and for other necessary improvements in their new country; should cause to be laid out and expended in the hire of a miller, for the period of fifteen years, nine thousand dollars; and for continuing and keeping up a blacksmith shop and providing iron and steel for twelve years, commencing on the first of January, eighteen hundred and fifty-seven, eleven thousand dollars.

And whereas, upon manifestation of great unwillingness on the part of said Indians to remove to the country west of the Mississippi River, upon Crow Wing, which had been assigned them, and a desire to remain in the State of Wisconsin, the President consented to their locating temporarily upon the Wolf and Oconto Rivers.

Now, therefore, to render practicable the stipulated payments herein recited, and to make exchange of the lands given west of the Mississippi for those desired by the tribe, and for the purpose of giving them the same for a permanent home, these articles are entered into.

Cession to United
States.

ARTICLE 1. The said Menomonee tribe agree to cede, and do hereby cede, sell, and relinquish to the United States, all the lands assigned to them under the treaty of the eighteenth of October, eighteen hundred and forty-eight.

Home provided in
lieu of such cession.

ARTICLE 2. In consideration of the foregoing cession the United States agree to give, and do hereby give, to said Indians for a home, to be held as Indian lands are held, that tract of country lying upon the Wolf River, in the State of Wisconsin, commencing at the southeast corner of township 28 north of range 16 east of the fourth principal meridian, running west twenty-four miles, thence north eighteen miles, thence east twenty-four miles, thence south eighteen miles, to the

place of beginning—the same being townships 28, 29, and 30, of ranges 13, 14, 15, and 16, according to the public surveys.

ARTICLE 3. The United States agree to pay, to be laid out and applied under the direction of the President, at the said location, in the establishment of a manual-labor school, the erection of a grist and saw mill, and other necessary improvements, fifteen thousand dollars; in procuring a suitable person to attend and carry on the said grist and saw mill, for a period of fifteen years, nine thousand dollars, in continuing and keeping up a blacksmith shop, and providing the usual quantity of iron and steel for the use of said tribe, for a period of twelve years, commencing with the year eighteen hundred and fifty-seven, eleven thousand dollars; and the United States further agree to pay the said tribe, to be applied under the direction of the President, in such manner and at such times as he may deem advisable, for such purposes and uses as in his judgment will best promote the improvement of the Menomonees, the forty thousand dollars stipulated to be applied to their removal and subsistence west of the Mississippi. It being understood that all other beneficial stipulations in said treaty of 1848 are to be fulfilled as therein provided.

Payments.

ARTICLE 4. In consideration of the difference in extent between the lands hereby ceded to the United States, and the lands given in exchange, and for and in consideration of the provisions hereinbefore recited, and of the relinquishment by said tribe of all claims set up by or for them, for the difference in quantity of lands supposed by them to have been ceded in the treaty of eighteenth of October, eighteen hundred and forty-eight, and what was actually ceded, the United States agree to pay said tribe the sum of two hundred and forty-two thousand six hundred and eighty-six dollars, in fifteen annual instalments, commencing with the year 1867; each instalment to be paid out and expended under the direction of the President of the United States, and for such objects, uses, and purposes, as he shall judge necessary and proper for their wants, improvement, and civilization.

Further payments.

ARTICLE 5. It is further agreed that all expense incurred in negotiating this treaty shall be paid by the United States.

Expenses of this treaty.

ARTICLE 6. This treaty to be binding on the contracting parties as soon as it is ratified by the President and Senate of the United States, and assented to by Osh-kosh and Ke-she-nah, chiefs of said tribe.

In testimony whereof, the said Francis Huebschmann, superintendent as aforesaid, and the chiefs, headmen, and warriors of the said Menomonee tribe, have hereunto set their hands and seals, at the place and on the day and year aforesaid.

Francis Huebschmann, [L. s.]
Superintendent of Indian affairs.

Wau-ke-chon, his x mark.

[L. s.]

Ta-ko, his x mark.

[L. s.]

Wis-ke-no, his x mark.

[L. s.]

Ko-man-ne-kin-no-shah, his x

[L. s.]

Way-tan-sah, his x mark.

[L. s.]

mark.

Carron, his x mark.

[L. s.]

Wau-pa-mah-shaew, his x mark.

[L. s.]

Sho-ne-niew, his x mark.

[L. s.]

Auck-ka-na-pa-waew, his x mark.

[L. s.]

Lanotte, his x mark.

[L. s.]

Ah-way-sha-shah, his x mark.

[L. s.]

Pe-quo-quon-ah, his x mark.

[L. s.]

Chech-e-quon-o-way, his x mark.

[L. s.]

Shaw-poa-tuk, his x mark.

[L. s.]

Nah-poné, his x mark.

[L. s.]

Wau-pen-na-nosh, his x mark.

[L. s.]

Mo-sha-hat, his x mark.

[L. s.]

Sho-ne-on, his x mark.

[L. s.]

I-yaw-shiew, his x mark.

[L. s.]

Shaw-wan-na-penasse, his x mark.

[L. s.]

Kah way-sot, his x mark.

[L. s.]

Signed and sealed in the presence of us:

John V. Suydam, sub-agent,
Chas. A. Grignon, United States
interpreter,
H. W. Jones, secretary to the com-
missioner,
Chas. H. White, deputy United
States marshal,

Heman M. Cady, United States
timber agent,
William Powell,
John Wiley,
H. L. Murray.

TREATY WITH THE IOWA, 1854.

May 17, 1854.

10 Stats., p. 1069.
Proclamation July
17, 1854.

Articles of agreement and convention made and concluded at the city of Washington, this seventeenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, commissioner on the part of the United States, and the following-named delegates of the Ioway tribe of Indians, viz: Nan-chee-ning-a, or No Heart; Shoonty-ing-a, or Little Wolf; Wah-moon-a-ka, or the Man who Steals; and Nar-ge-ga-rash, or British; they being thereto duly authorized by said tribe.

Cession to the United
States.

ARTICLE 1. The Ioway tribe of Indians hereby cede, relinquish, and convey to the United States, all their right, title, and interest in and to the country, with the exception hereinafter named, which was assigned to them by the treaty concluded with their tribe and the Missouri band of Sacs and Foxes, by William Clark, superintendent of Indian affairs, on the seventeenth of September, one thousand eight hundred and thirty-six, being the upper half of the tract described in the second article thereof, as "the small strip of land on the south side of the Missouri River, lying between the Kickapoo northern boundary-line and the Grand Nemahaw River, and extending from the Missouri back and westwardly with the said Kickapoo line and the Grand Nemahaw, making four hundred sections; to be divided between the said Ioways and Missouri band of Sacs and Foxes; the lower half to the Sacs and Foxes, the upper half to the Ioways," but they except and reserve of said country, so much thereof as is embraced within and designated by the following metes and bounds, viz: Beginning at the mouth of the Great Nemahaw River where it empties into the Missouri; thence down the Missouri River to the mouth of Noland's Creek; thence due south one mile; thence due west to the south fork of the Nemahaw River; thence down the said fork with its meanders to the Great Nemahaw River, and thence with the meanders of said river to the place of beginning, which country, it is hereby agreed, shall be the future and permanent home of the Ioway Indians.

Reservation.

Proceeds of sale to
be paid over to the
Indians.

ARTICLE 2. In consideration of the cession made in the preceding article, the United States agree to pay in the manner hereinafter prescribed, to the Ioway Indians, all the moneys received from the sales of the lands which are stipulated in the third article hereof, to be surveyed and sold—after deducting therefrom the costs of surveying, managing, and selling the same.

Disposition of the
ceded lands.

ARTICLE 3. The United States agree to have surveys made of the country ceded by the Ioways in article first in the same manner that the public lands are surveyed, and as soon as it can conveniently be done; and the President, after the surveys shall have been made and approved, shall proceed to offer said surveyed land for sale, at public auction, being governed therein by the laws of the United States respecting sales of public lands; and such of said lands as may not be sold at public sales, shall be subject to private entry in the manner that private entries are made of United States land; and all the land remaining unsold after being for three years subject to private entry at the minimum Government price, may, by act of Congress, be graduated and reduced in price until the whole is disposed of, proper regard being had, in making such reduction, to the interests of the Ioways and the speedy settlement of the country. Until after the said land shall have been surveyed, and the surveys approved, no white persons or citizens shall be permitted to make thereon any location or settlement; and the provisions of the act of Congress, approved on the third day of March, one thousand eight hundred and seven,

relating to lands ceded to the United States, shall, so far as they are applicable, be extended over the lands herein ceded.

ARTICLE 4. It being understood that the present division-line between the Ioways and the Sacs and Foxes of Missouri, as run by Isaac McCoy, will, when the surveys are made, run diagonally through many of the sections, cutting them into fractions; it is agreed that the sections thus cut by said line, commencing at the junction of the Wolf with the Missouri River, shall be deemed and taken as part of the land hereinbefore ceded and directed to be sold for the benefit of the Ioways, until the quantity thus taken, including the before-recited reservation, and all the full sections north of said line, shall amount to two hundred sections of land. And should the Sacs and Foxes of Missouri consent to a change of their residence and be so located by the United States as to occupy any portion of the land herein ceded and directed to be sold for the benefit of the Ioways, west of the tract herein reserved, the Ioways hereby agree to the same, and consent to such an arrangement, upon the condition that a quantity of land equal to that which may be thus occupied by the Sacs and Foxes, and of as good quality, shall be set apart for them out of the country now occupied by the last-named tribe, contiguous to said division-line, and sold for their benefit as hereinbefore provided.

Provision respecting the Sacs and Foxes.

ARTICLE 5. As the receipts from the sales of the lands cannot now be determined, it is agreed that the whole subject shall be referred to the President of the United States, who may, from time to time, prescribe how much of the proceeds thereof shall be paid out to the Ioway people, and the time and mode of such payments, and also how much shall be invested in safe and profitable stocks, the principal of which to remain unimpaired, and the interest to be applied annually for the civilization, education, and religious culture of the Ioways and such other objects of a beneficial character as may be proper and essential to their well-being and prosperity: provided, that if necessary, Congress may, from time to time, by law, make such regulations in regard to the funds arising from the sale of said lands, and the application thereof for the benefit of the Ioways, as may in the wisdom of that body seem just and expedient.

Investment of the surplus sales and appropriation of the income.

ARTICLE 6. The President may cause the country the Ioways have reserved for their future home, to be surveyed, at their expense, and in the same way as the public lands are surveyed, and assign to each person or family such portion thereof as their industry and ability to manage business affairs may, in his opinion, render judicious and proper; and Congress may hereafter provide for the issuing to such persons, patents for the same, with guards and restrictions for their protection in the possession and enjoyment thereof.

Division of the reserved lands.

ARTICLE 7. Appreciating the importance and the benefit derived from the mission established among them by the board of foreign missions of the Presbyterian Church, the Ioways hereby grant unto the said board a tract of three hundred and twenty acres of land, to be so located as to include the improvements at the mission, and also a tract of one hundred and sixty acres of timbered land, to be selected by some agent of the board from the legal subdivisions of the surveyed land; and the President shall issue a patent or patents for the same, to such person or persons as said board may direct. They further grant to John B. Roy, their interpreter, a tract of three hundred and twenty acres of land, to be selected by him in "Wolf's Grove," for which the President shall also issue a patent.

Grant to the board of missions.

Grant to John B. Roy.

ARTICLE 8. The debts of Indians contracted in their private dealings as individuals, whether to traders or otherwise, shall not be paid out of the general fund.

Private debts not to be paid out of the general fund.

ARTICLE 9. As some time must elapse before any benefit can be derived from the proceeds of the sale of their land, and as it is desir-

Part of the fund set apart by treaty of Oct. 16, 1838, may be spent.

The remainder to
be held in trust.

Construction of
roads.

Provisions against
use of ardent spirits.

Friendly conduct.

Release of claims
under former treaties.

able that the Ioways should at once engage in agricultural pursuits and in making improvements on the tract hereinbefore reserved for them, it is hereby agreed that, of the fund of one hundred and fifty-seven thousand five hundred dollars, set apart to be invested by the second clause of the second article of the treaty concluded on the nineteenth day of October, one thousand eight hundred and thirty-eight, a sum not exceeding one hundred thousand dollars shall be paid to the Indians, or expended under the direction of the President for the erection of houses, breaking and fencing lands, purchasing stock, farming utensils, seeds, and such other articles as may be necessary for their comfort. Fifty thousand dollars, or so much thereof as may be deemed expedient, to be paid during the year commencing on the first of October, one thousand eight hundred and fifty-four; and the other fifty thousand dollars, or so much thereof as shall be deemed expedient, to be paid during the year commencing on the first of October, one thousand eight hundred and fifty-five. The residue of said fund of one hundred and fifty-seven thousand five hundred dollars on hand after the payments herein provided for have been made shall remain as a trust fund, the interest upon which, as well as the interest that may have accrued on the portion drawn out, shall be applied, under the direction of the President, to educational or other beneficial purposes among the Ioways.

ARTICLE 10. It is agreed that all roads and highways laid out by authority of law shall have a right of way through the lands herein reserved, on the same terms as are provided by law when roads and highways are made through the lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of the Ioways, shall have right of way on the payment of a just compensation therefor in money.

ARTICLE 11. The Ioways promise to renew their efforts to suppress the introduction and use of ardent spirits in their country, to encourage industry, thrift, and morality, and by every possible effort to promote their advancement in civilization. They desire to be at peace with all men, and they bind themselves to commit no depredation or wrong upon either Indians or citizens; and whenever difficulties arise they will abide by the laws of the United States, in such cases made and provided, as they expect to be protected and to have their rights vindicated by them.

ARTICLE 12. The Ioway Indians release the United States from all claims and demands of every kind and description arising under former treaties, and agree to remove themselves within six months after the ratification of this instrument, to the lands herein reserved for their homes; in consideration whereof, the United States agree to pay to said Indians five thousand dollars—two thousand of which with such portion of balances of former appropriations of interest-fund as may not now be necessary under specific heads, may be expended in the settlement of their affairs preparatory to removal.

ARTICLE 13. The object of this instrument being to advance the interests of the Ioway people, it is agreed, if it prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs, as, in his judgment, may be most beneficial to them; or Congress may hereafter make such provision by law as experience shall prove to be necessary.

ARTICLE 14. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said George W. Manypenny, commissioner as aforesaid, and the delegates of the Ioway tribe of Indians, have

hereunto set their hands and seals, at the place and on the day and in the year hereinbefore written.

George W. Manypenny, Commissioner.

Nan-chee-ning-a, or No Heart, his x mark.

Shoon-ty-ing-a, or Little Wolf, his x mark.

Wah-moon-na-ka, or The Man who Steals, his x mark.

Nar-ge-ga-rash, or British, his x mark.

[L. S.]
[L. S.]
[L. S.]
[L. S.]
[L. S.]

Executed in the presence of—

Jas. D. Kerr.

Jas. T. Wynne.

N. Quackenbush.

Wm. B. Waugh.

D. Vanderslice, Indian agent.

John B. Roy, his x mark, United States interpreter.

Wm. B. Waugh, witness to signing of John B. Roy.

TREATY WITH THE SAUK AND FOXES OF MISSOURI, 1854.

Articles of agreement and convention made and concluded at the city of

Washington this eighteenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, commissioner on the part of the United States, and the following-named delegates of the Sac and Foxes of Missouri, viz: Pe-to-o-ke-mah, or Hard Fish; Mo-less or Wah-pe-nem-mah, or Sturgeon; Ne-son-quoit, or Bear; Mo-ko-ho-ko, or Jumping Fish; and No-ko-what, or Fox; they being thereto duly authorized by the said Sac and Fox Indians.

May 18, 1854.

10 Stat., 1074.
Ratified July 11,
1854.
Proclaimed July 17,
1854.

ARTICLE 1. The Sac and Foxes of Missouri hereby cede, relinquish and convey to the United States all their right, title and interest in and to the country assigned to them by the treaty concluded on the seventeenth day of September, one thousand eight hundred and thirty-six, between William Clark, superintendent of Indian affairs, on the part of the United States, and the Ioways and Missouri Sac and Foxes, being the lower half of the country described in the second article thereof as "the small strip of land on the south side of the Missouri River, lying between the Kickapoo northern boundary-line and the Grand Nemahaw River, and extending from the Missouri back and westwardly with the said Kickapoo line and the Grand Nemahaw, making four hundred sections; to be divided between the said Ioways and Missouri band of Sac and Foxes; the lower half to the Sac and Foxes, the upper half to the Ioways;" saving and reserving fifty sections, of six hundred and forty acres each, which shall be selected in the western part of the cession by the delegates, parties hereto, and the agent for the tribe, after their return home, and which shall be located in one body and set off by metes and bounds: *Provided*, That the delegates and agent can find such an amount of land in one body within said specified section of country suitable to the wants and wishes of the Indians. *And it is further provided*, That should a suitable location, upon examination, to the full extent of fifty sections not be found within said western part of this cession, then the said delegates and agent shall be permitted to extend the location west or northwest of the country herein ceded and south of the Great Nemahaw River, over so much of the public domain, otherwise unappropriated, as shall make up the deficiency; or to make a selection entirely beyond the limits of the country herein ceded upon any lands of the United States, not otherwise appropriated, lying as aforesaid west or northwest of the ceded country and south of the Great Nemahaw. And in either

Cession of lands to
the United States.

Reservation.

case they shall describe their selection, which must be made within six months from the date hereof, by metes and bounds, and transmit the description thereof signed by said delegates and agent, to the Commissioner of Indian Affairs; and thereupon the selection so made, shall be taken and deemed as the future permanent home of the Sacs and Foxes of Missouri. It is expressly understood that these Indians shall claim under this article, no more than fifty sections of land, and if that quantity or any portion thereof shall be selected, as provided above, outside of the reservation herein made, then said reservation or a quantity equal to that which may be selected outside thereof, shall be and the same is hereby, ceded, relinquished, and conveyed to the United States.

Payment for said
cession.

ARTICLE 2. In consideration of the cession and relinquishment made in the preceding article, the United States agree to pay to the Sacs and Foxes of Missouri, the sum of forty-eight thousand dollars, in manner following, viz: Fifteen thousand dollars in the month of October in each of the years one thousand eight hundred and fifty-four and one thousand eight hundred and fifty-five; ten thousand dollars in the same month of the year one thousand eight hundred and fifty-six, and eight thousand dollars in the same month of the year one thousand eight hundred and fifty-seven; which several sums shall be paid directly to the Indians, or otherwise, as the President may deem advisable, for building houses, breaking and fencing lands, purchasing stock, farming-implements, seeds, and such other articles as may be necessary for their comfort and prosperity,

Disposition of said
reservation.

ARTICLE 3. The President may cause to be surveyed, in the same manner in which the public lands are surveyed, the reservation herein provided for the Sacs and Foxes of Missouri, and may assign to each person or family desiring it such quantity of land as, in his opinion, will be sufficient for such person or family, with the understanding that he or they will occupy, improve, and cultivate the same, and comply with such other conditions as the President may prescribe. The land thus assigned may hereafter be confirmed by patent to the parties, or their representatives, under such regulations and restrictions as Congress may prescribe.

Reserve of their
farm and mill.

ARTICLE 4. The said Indians reserve a tract of one section of land at the site of their present farm and mill, and to include the same; and if they desire it, said farm may be cultivated for them for a term not exceeding two years—at the end of which time, or sooner if the Indians request it, the said tract and mill may be sold by the President to the highest bidder, and upon payment being made a patent to issue to the purchaser; the proceeds of the sale to be paid over to the Indians with their other moneys.

Grant to the board
of missions.

ARTICLE 5. At the request of the Indians, it is hereby agreed that the Board of Foreign Missions of the Presbyterian Church shall have a tract of one hundred and sixty acres of land, to be selected by said board at a distance not exceeding two miles in a westerly direction from the grant made to said board at their mission by the Ioway Indians—and the President is authorized to issue a patent for the same to such person or persons as said board may designate.

Release of claims
under former treaties.

ARTICLE 6. The said Indians release the United States from all claims or demands of any kind whatsoever arising, or which may hereafter arise, under former treaties, and agree to remove within six months after the ratification of this instrument, and to subsist themselves, without cost to the United States. In consideration of which release and agreement, the United States agree to pay them the sum of five thousand dollars—three thousand of which may be applied to the settlement of their affairs preparatory to removal.

Provisions respect-
ing the fund invested
under treaty of Oct.
21, 1837.

ARTICLE 7. The invested fund provided by the second clause of the second article of the treaty of twenty-first day of October, one thousand eight hundred and thirty-seven, (being one hundred and fifty-

seven thousand four hundred dollars,) shall remain with the United States at an annual interest of five per cent., which interest as it accumulates, shall be expended under the direction of the President in such manner as he may deem best for the interests of the Indians—and a like disposition may be made of any unexpended balance of interest now on hand.

ARTICLE 8. No part of the moneys hereby stipulated to be paid to the Indians or for their benefit, or of their invested fund, shall be applied to the payment of debts contracted by them in their private dealings, as individuals, whether with traders or otherwise.

Private debts not to be charged on the fund.

ARTICLE 9. It is agreed by said Indians that all roads and highways laid out by authority of law, shall have right of way through their reservation on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of these Indians, shall have right of way on the payment of a just compensation therefor in money.

Construction of roads.

ARTICLE 10. The said Indians promise to use their best efforts to prevent the introduction and use of ardent spirits in their country; to encourage industry, thrift and morality; and by every possible means to promote their advancement in civilization. They desire to be at peace with all men, and therefore bind themselves to commit no depredation or wrong upon either Indians or citizens, and whenever difficulties arise, to abide by the laws of the United States in such cases made and provided, as they expect to be protected and to have their own rights vindicated by them.

Ardent spirits.

Conduct of Indians.

ARTICLE 11. The object of these articles of agreement and convention being to advance the true interests of the Sac and Fox Indians, it is agreed should they prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs, as in his judgment may be most beneficial to them; or Congress may hereafter make such provisions by law, as experience shall prove to be necessary.

Future arrangements to effectuate the objects of this treaty.

ARTICLE 12. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner aforesaid and the delegates of the Sacs and Foxes of Missouri, have hereunto set their hands and seals at the place, and on the day and year first above written.

George W. Manypenny, Commissioner.

[L. S.]

Pe-to-o-ke-mah, or Hard Fish, his x mark.

[L. S.]

Mo-less or Wah-pe-nem-mah, or Sturgeon, his x mark.

[L. S.]

Ne-son-quoit, or Bear, his x mark.

[L. S.]

Mo-ko-ho-ko, or Jumping Fish, his x mark.

[L. S.]

No-ko-what, or Fox, his x mark.

[L. S.]

Executed in presence of—

Charles Calvert.

John West.

Wm. B. Waugh.

D. Vanderslice, Indian agent.

Peter Cadue, his x mark, United States interpreter.

Wm. B. Waugh, witness to signing of Peter Cadue.

TREATY WITH THE KICKAPOO, 1854.

May 18, 1854.
10 Stat. 1078.
Ratified, July 11,
1854.
Proclaimed July 17,
1854.

Articles of agreement and convention made and concluded at the city of Washington this eighteenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, commissioner on the part of the United States, and the following-named delegates of the Kickapoo tribe of Indians, viz: Pah-kah-kah or John Kennekuk, Kap-i-o-mah or the Fox Carrier, No-ka-wat or the Fox Hair; Pe-sha-gon or Trug made of Bear Skin, and Ke-wi-sah-tuk or Walking Bear or Squire, thereto duly authorized by said tribe.

Cession of land to
the United States.

ARTICLE 1. The Kickapoo tribe of Indians hereby cede, sell, and convey unto the United States all that country southwest of the Missouri River, which was provided as a permanent home, for them in the treaty of Castor Hill, of the twenty-fourth of October, one thousand eight hundred and thirty-two, and described in the supplemental article thereto, entered into at Fort Leavenworth, on the 26th of November, one thousand eight hundred and thirty-two, as follows: Beginning "on the Delaware line, where said line crosses the left branch of Salt Creek, thence down said creek to the Missouri River, thence up the Missouri River thirty miles when measured on a straight line, thence westwardly to a point twenty miles from the Delaware line, so as to include in the lands assigned to the Kickapoos, at least twelve hundred square miles;" saving and reserving, in the western part thereof, one hundred and fifty thousand acres for a future and permanent home, which shall be set off for, and assigned to, them by metes and bounds. *Provided*, That upon the return home of the delegates here contracting, and upon consultation with their people, and after an exploration if required by them, in company with their agent, a location to that extent can be found within said specified section of country suited to their wants and wishes. *And it is also further provided*, That should a suitable location, upon examination and consultation, to the full extent of one hundred and fifty thousand acres, not be found within said western part of this cession, then the said delegates and agents shall be permitted to extend the location beyond the western line of the country herein ceded and north of the recent Delaware line over so much of the public domain, otherwise unappropriated, as shall make up the deficiency—or to make a selection entirely beyond the limits of the country at present occupied by the Kickapoos upon any lands of the United States, not otherwise appropriated, lying within the limits bounded by the said western line, by the recent Delaware northern line, and the waters of the Great Nemahaw River; and in either case they shall describe their selection, which must be made within six months from the date hereof, by metes and bounds, and transmit the description thereof, signed by said delegates and agent, to the Commissioner of Indian Affairs; and thereupon, the selection so made, shall be taken and deemed as the future permanent home of the Kickapoo Indians. It is expressly understood that the Kickapoos shall claim under this article no more than one hundred and fifty thousand acres of land; and if that quantity, or any portion thereof shall be selected, as provided above, outside of the reservation herein made, then said reservation, or a quantity equal to that which may be selected outside thereof, shall be, and the same is hereby, ceded and relinquished to the United States.

Reservation for a
permanent home.

Payment for said
cession.

ARTICLE 2. In consideration whereof the United States agree to pay to the said Indians, under the direction of the President, and in such manner as he shall from time to time prescribe, the sum of three hundred thousand dollars, as follows: one hundred thousand dollars to be invested at an interest of five per centum per annum; the interest of which shall be annually expended for educational and other beneficial purposes. The remaining two hundred thousand dollars to be paid

thus: Twenty-five thousand dollars in the month of October, one thousand eight hundred and fifty-four; twenty thousand dollars during the same month in each of the years one thousand eight hundred and fifty-five and one thousand eight hundred and fifty-six; fourteen thousand dollars during the same month in each of the years one thousand eight hundred and fifty-seven and one thousand eight hundred and fifty-eight; nine thousand dollars in the same month of each of the six years next succeeding that of one thousand eight hundred and fifty-eight; seven thousand dollars in the same month of each of the four years next succeeding the expiration of the last-named period of six years; and five thousand dollars in the same month of each of the five years next succeeding the last-named four years. And as the Kickapoos will remove to a new home, and will, therefore, require the principal portion of the annual payments for several years to aid in building houses, in breaking and fencing land, in buying stock, agricultural implements, and other articles needful for their comfort and civilization, it is understood that such portion of said annual payments as may be necessary, will be appropriated to and expended for such purposes.

How expended.

ARTICLE 3. The President may cause to be surveyed, in the same manner in which the public lands are surveyed, the reservation herein provided for the Kickapoos; and may assign to each person, or family desiring it, such quantity of land as, in his opinion, will be sufficient for such person, or family, with the understanding that he, or they, will occupy, improve, and cultivate the same, and comply with such other conditions as the President may prescribe. The land thus assigned may hereafter be confirmed by patent to the parties, or their representatives, under such regulations and restrictions as Congress may impose.

Disposition of the reservation.

ARTICLE 4. It is agreed that the United States shall pay to such of the Kickapoos, as have improvement upon the lands hereby ceded a fair compensation for the same—the value to be ascertained in such mode as shall be prescribed by the President.

Payment for improvements.

ARTICLE 5. The debts of Indians contracted in their private dealings as individuals, whether to traders or others, shall not be paid out of the general fund.

Private debts not to be paid from general fund.

ARTICLE 6. It is the desire of the Kickapoo Indians that their faithful friend and interpreter, Peter Cadue, should have a home provided for him and his family. It is therefore agreed that there shall be assigned to him a tract of land equal to one section, to be taken from the legal subdivisions of the surveyed land, and to include his present residence and improvement on Cadue's Creek, and the President is authorized to issue a patent to him for the same.

Grant to Peter Cadue.

ARTICLE 7. It is agreed that all roads and highways laid out by authority of law shall have right of way through the reservation on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of the Kickapoos, shall have right of way on the payment of a fair compensation therefor in money.

Construction of roads.

ARTICLE 8. The Kickapoos release the United States from all claims or demands of any kind whatsoever, arising or which may hereafter arise under former treaties, and agree within twelve months after the ratification of this instrument, to remove and subsist themselves, without cost to the United States; in consideration of which release and agreement the United States agree to pay them the sum of twenty thousand dollars.

Release from former treaties.

ARTICLE 9. The Kickapoos promise to use their best efforts to prevent the introduction and use of ardent spirits in their country, to encourage industry, thrift, and morality, and by every possible means to promote their advancement in civilization. They desire to be at

Provisions against use of ardent spirits.

Conduct of the Indians.

Future arrangements to effectuate the objects of this treaty.

peace with all men, and therefore bind themselves to commit no depredation or wrong upon Indians or citizens, and whenever difficulties arise to abide by the laws of the United States in such cases made and provided, as they expect to be protected and to have their own rights vindicated by them.

ARTICLE 10. The object of these articles of agreement and convention being to advance the true interests of the Kickapoo people, it is agreed, should they prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs as in his judgment may be most beneficial to them; or Congress may hereafter make such provision by law, as experience shall prove to be necessary.

ARTICLE 11. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner as aforesaid, and the delegates of the Kickapoo tribe of Indians, have hereunto set their hands and seals, at the place and on the day and in the year first herein written.

George W. Manypenny, Commissioner. [L. s.]

Pah-kah-kah, or John Kennekuk, his x mark. [L. s.]

Kap-i-o-ma, or the Fox Carrier, his x mark. [L. s.]

No-ka-wat, or the Fox Hair, his x mark. [L. s.]

Pe-sha-gon, or Tug made of Bear Skin, his x mark. [L. s.]

Ke-wi-sah-tuk, or Walking Bear or Squire, his x mark. [L. s.]

Executed in presence of

James D. Kerr.

Charles Calvert.

Wm. B. Waugh.

D. Vanderslice, Indian agent.

Peter Cadue, his x mark, United States interpreter.

Wm. B. Waugh, witness to signing of Peter Cadue.

TREATY WITH THE KASKASKIA, PEORIA, ETC., 1854.

May 30, 1854.

10 Stats., 1082.
Ratified August 2,
1854.
Proclaimed Aug. 10,
1854.

Articles of agreement and convention made and concluded at the city of Washington, this thirtieth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, commissioner on the part of the United States, and the following-named delegates representing the united tribes of Kaskaskia and Peoria, Piankeshaw and Wea Indians, viz: Kio-kaw-mo-zan, David Lykins; Sa-wa-ne-ke-ah, or Wilson; Sha-cah-quah, or Andrew Chick; Ta-ko-nah, or Mitchel; Che-swa-wa, or Rogers; and Yellow Beaver, they being duly authorized thereto by the said Indians.

Consent of the
United States to union
of tribes.

ARTICLE 1. The tribes of Kaskaskia and Peoria Indians, and of Piankeshaw and Wea Indians, parties to the two treaties made with them respectively by William Clark, Frank J. Allen, and Nathan Kouns, commissioners on the part of the United States, at Castor Hill, on the twenty-seventh and twenty-ninth days of October, one thousand eight hundred and thirty-two, having recently in joint council assembled, united themselves into a single tribe, and having expressed a desire to be recognized and regarded as such, the United States hereby assent to the action of said joint council to this end, and now recognize the delegates who sign and seal this instrument as the authorized representatives of said consolidated tribe.

ARTICLE 2. The said Kaskaskias and Peorias, and the said Piankeshaws and Weas, hereby cede and convey to the United States, all their right, title, and interest in and to the tracts of country granted and assigned to them, respectively, by the fourth article of the treaty of October twenty-seventh, and the second article of the treaty of October twenty-ninth, one thousand eight hundred and thirty-two, for a particular description of said tracts, reference being had to said articles; excepting and reserving therefrom a quantity of land equal to one hundred and sixty acres for each soul in said united tribe, according to a schedule attached to this instrument, and ten sections additional, to be held as the common property of the said tribe—and also the grant to the American Indian Mission Association, hereinafter specifically set forth.

Cession to the United States.

Ante, p. 376.
Ante, p. 382.

Reservation.

ARTICLE 3. It is agreed that the United States, shall as soon as it can conveniently be done, cause the lands hereby ceded to be surveyed as the public lands are surveyed; and, that the individuals and heads of families shall, within ninety days after the approval of the surveys, select the quantity of land therefrom to which they may be respectively entitled as specified in the second article hereof; and that the selections shall be so made, as to include in each case, as far as possible, the present residences and improvements of each—and where that is not practicable, the selections shall fall on lands in the same neighborhood; and if by reason of absence or otherwise the above-mentioned selections shall not all be made before the expiration of said period, the chiefs of the said united tribe shall proceed to select lands for those in default; and shall also, after completing said last-named selections, choose the ten sections reserved to the tribe; and said chiefs in the execution of the duty hereby assigned them, shall select lands lying adjacent to or in the vicinity of those that have been previously chosen by individuals. All selections in this article provided for, shall be made in conformity with the legal subdivisions of the United States lands, and shall be reported immediately in writing, with apt descriptions of the same, to the agent for the tribe. Patents for the lands selected by or for individuals or families may be issued subject to such restrictions respecting leases and alienation as the President or Congress of the United States may prescribe. When selections are so made or attempted to be made as to produce injury to, or controversies between individuals, which cannot be settled by the parties, the matters of difficulty shall be investigated, and decided on equitable terms by the council of the tribe, subject to appeal to the agent, whose decision shall be final and conclusive.

Disposition of ceded lands.

Selection of lots.

ARTICLE 4. After the aforesaid selections shall have been made, the President shall immediately cause the residue of the ceded lands to be offered for sale at public auction, being governed in all respects in conducting such sale by the laws of the United States for the sale of public lands, and such of said lands as may not be sold at public sale, shall be subject to private entry at the minimum price of United States lands, for the term of three years; and should any thereafter remain unsold, Congress may, by law, reduce the price from time to time, until the whole of said lands are disposed of, proper regard being had in making the reduction to the interests of the Indians and to the settlement of the country. And in consideration of the cessions hereinbefore made, the United States agree to pay to the said Indians, as hereinafter provided, all the moneys arising from the sales of said lands after deducting therefrom the actual cost of surveying, managing, and selling the same.

Sale of residue.

Proceeds of sale.

ARTICLE 5. The said united tribes appreciate the importance and usefulness of the mission established in their country by the board of the American Indian Mission Association, and desiring that it shall continue with them, they hereby grant unto said board a tract of one

Grant to the American Indian Mission Association.

section of six hundred and forty acres of land, which they, by their chiefs, in connection with the proper agent of the board, will select; and it is agreed that after the selections shall have been made, the President shall issue to such person or persons as the aforesaid board may designate, a patent for the same.

Relinquishment of present annuities and of all claims under former treaties.

ARTICLE 6. The said Kaskaskias and Peorias, and the said Piankeshaws and Weas, have now, by virtue of the stipulations of former treaties, permanent annuities amounting in all to three thousand eight hundred dollars per annum, which they hereby relinquish and release, and from the further payment of which they forever absolve the United States; and they also release and discharge the United States from all claims or damages of every kind by reason of the non-fulfilment of former treaty stipulations, or of injuries to or losses of stock or other property by the wrongful acts of citizens of the United States; and in consideration of the relinquishments and releases aforesaid, the United States agree to pay to said united tribe, under the direction of the President, the sum of sixty-six thousand dollars, in six annual instalments, as follows: In the month of October, in each of the years one thousand eight hundred and fifty-four, one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, the sum of thirteen thousand dollars, and in the same month in each of the years one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, and one thousand eight hundred and fifty-nine, nine thousand dollars, and also to furnish said tribe with an interpreter and a blacksmith for five years, and supply the smith-shop with iron, steel, and tools, for a like period.

Payment for such releases.

Disposition of payments.

ARTICLE 7. The annual payments provided for in article six are designed to be expended by the Indians, chiefly in extending their farming operations, building houses, purchasing stock, agricultural implements, and such other things as may promote their improvement and comfort, and shall so be applied by them. But at their request it is agreed that from each of the said annual payments the sum of five hundred dollars shall be reserved for the support of the aged and infirm, and the sum of two thousand dollars shall be set off and applied to the education of their youth; and from each of the first three there shall also be set apart and applied the further sum of two thousand dollars, to enable said Indians to settle their affairs. And as the amount of the annual receipt from the sales of their lands, cannot now be ascertained, it is agreed that the President may, from time to time, and upon consultation with said Indians, determine how much of the net proceeds of said sales shall be paid them, and how much shall be invested in safe and profitable stocks, the interest to be annually paid to them, or expended for their benefit and improvement.

Settlements by others not permitted till after selection by Indians.

ARTICLE 8. Citizens of the United States, or other persons not members of said united tribe, shall not be permitted to make locations or settlements in the country herein ceded, until after the selections provided for, have been made by said Indians; and the provisions of the act of Congress approved March third, one thousand eight hundred and seven, in relation to lands ceded to the United States, shall, so far as the same are applicable, be extended to the lands herein ceded.

Debt of individuals not a charge on the fund.

Provision for those intemperate, etc.

ARTICLE 9. The debts of individuals of the tribe, contracted in their private dealings, whether to traders or otherwise, shall not be paid out of the general funds. And should any of said Indians become intemperate or abandoned, and waste their property, the President may withhold any moneys due or payable to such, and cause them to be paid, expended or applied, so as to ensure the benefit thereof to their families.

Provision against the use of ardent spirits.

ARTICLE 10. The said Indians promise to renew their efforts to prevent the introduction and use of ardent spirits in their country, to

encourage industry, thrift, and morality, and by every possible means to promote their advancement in civilization. They desire to be at peace with all men, and they bind themselves not to commit depredation or wrong upon either Indians or citizens; and, should difficulties at any time arise, they will abide by the laws of the United States in such cases made and provided, as they expect to be protected and to have their rights vindicated by those laws.

Conduct of Indians.

ARTICLE 11. The object of the instrument being to advance the interests of said Indians, it is agreed if it prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs, as, in his judgment, may be most beneficial to them; or, Congress may hereafter make such provisions by law as experience shall prove to be necessary.

Future arrangements to effectuate the objects of this treaty.

ARTICLE 12. It is agreed that all roads and highways, laid out by authority of law, shall have right of way through the lands herein ceded and reserved, on the same terms as are provided by law, when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of the said Indians, shall have right of way, on the payment of a just compensation therefor in money.

Construction of roads.

ARTICLE 13. It is believed that all the persons and families of the said combined tribe are included in the annexed schedule, but should it prove otherwise, it is hereby stipulated that such person or family shall select from the ten sections reserved as common property, the quantity due, according to the rules hereinbefore prescribed, and the residue of said ten sections or all of them, as the case may be, may hereafter, on the request of the chiefs, be sold by the President, and the proceeds applied to the benefit of the Indians.

Provisions for persons omitted in schedule.

ARTICLE 14. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner as aforesaid, and the delegates of the said combined tribe, have hereunto set their hands and seals, at the place and on the day and year first above written.

George W. Manypenny, Commissioner.

[L. s.]

Kio-kaw-mo-zan, his x mark.

[L. s.]

Ma-cha-ko-me-ah, or David Lykins.

[L. s.]

Sa-wa-ne-ke-ah, or Wilson, his x mark.

[L. s.]

Sha-cah-quah, or Andrew Chick, his x mark.

[L. s.]

Ta-ko-nah, or Mitchel, his x mark.

[L. s.]

Che-swa-wa, or Rogers, his x mark.

[L. s.]

Yellow Beaver, his x mark.

[L. s.]

Executed in the presence of—

Charles Calvert,

Jas. T. Wynne,

Robert Campbell,

Wm. B. Waugh,

Ely Moore, Indian agent.

Baptiste Peoria, his x mark, U. S. interpreter.

Wm. B. Waugh, witness to signing of Baptiste Peoria.

Schedule of persons or families composing the united tribes of Weas, Pionkeshaws, Peorias, and Kaskaskias, with the quantity of land to be selected in each case as provided in the second and third articles.

Persons or families.	Males.			Fe- males.	To-Number males. tal. of acres.		
Mash-she-we-lot-ta, or Joe Peoria.....	2	2	4		640		
Marcus Lindsay.....	3	3	6		960		
Sam Slick.....	5	1	6		960		
Wah-ka-ko-nah, or Billy.....	1	0	1		160		
Wah-kah-ko-se-ah.....	1	1	2		320		
Luther Pascal.....	2	2	4		640		
Lewis Pascal.....	1	1	2		320		
John Pascal.....	1	0	1		160		
Edward Black.....	3	2	5		800		
Sha-cah-quah, or Andrew Chick.....	3	4	7	1	1,200		
Che-swa-wa, or Rodgers.....	2	4	6		960		
John Westley.....	1	1	2		320		
Ma-co-se-tah, or F. Valley.....	3	1	4		640		
Ma-cha-co-me-yah, or David Lykins.....	3	2	5		800		
Sa-wa-na-ke-keah, or Wilson.....	1	2	3		480		
Na-me-quah-wah.....	2	0	2		320		
Pun-gish-e-no-qua.....	1	3	4		640		
Ma-cen-sah.....	1	1	2		320		
Yellow Beaver.....	3	3	6		960		
John Charly.....	3	3	6		960		
Bam-ba-cap-wa, or Battiste Charly.....	2	3	5		800		
Pah-to-cah.....	2	2	4		640		
Lee-we-ah, or Lewis.....	1	2	3		480		
Mah-kon-sah, junior.....	2	2	4		640		
Baptiste Peoria.....	3	5	8	1	280		
Ma-qua-ko-non-ga, or Lewis Peckham.....	5	2	7	1	1,200		
Captain Mark.....	2	2	4		640		
Te-com-se, or Edward Dajexat.....	3	1	4		640		
Thomas Hedges.....	1	1	2		320		
Fah-ka-ko-se-qua.....	0	1	1		160		
En-ta-se-ma-qua.....	0	1	1		160		
Yon-za-na-ke-sa-gah.....	2	1	3		480		
Aw-sap-peen-qua-zah.....	4	0	4		640		
Klo-kaw-mo-zaw.....	4	2	6		960		
Chin-qua-ke-ah.....	2	3	5		800		
Peter Cloud.....	3	-	3		480		
Au-see-pan-nah, or Coon.....	2	1	3		480		
My-he-num-ba.....	3	3	6		960		
Kish-e-koon-sah.....	1	2	3		480		
Kish-e-wan-e-sah.....	3	1	4		640		
Sho-cum-qua.....	-	2	2		320		
Pe-ta-na-ke-ka-pa.....	2	0	2		320		
Pa-kan-giah.....	2	1	3		480		
Se-pah-ke-ah.....	1	1	2		320		
Ngo-to-kop-wa.....	1	1	2		320		
Kil-so-qua.....	2	2	4		640		
Be-zio, or Ben.....	1	2	3		480		
Kil-son-zah.....	1	2	3		480		
Shaw-lo-lee.....	2	1	3		480		
Ke-she-kon-sah, or Wea.....	1	2	3		480		
Ah-shaw-we-se-wah.....	2	-	2		320		
George Clinton.....	2	-	2		320		
Ke-kaw-ke-to-qua.....	2	2	4		640		
Sa-saw-kaw-qua-ga, or Kain Tuck.....	2	3	5		800		
Wah-sah-ko-le-ah.....	1	3	4		640		
Kin-ge-ton-no-zah, or Red Bird.....	1	1	2		320		
Paw-saw-qua, or Jack Booei.....	3	1	4		640		
No-wa-ko-se-ah.....	2	-	2		320		
Me-shin-qua-me-saw.....	1	3	4		640		
Chen-gwan-zaw.....	3	-	3		480		
Ke-che-kom-e-ah.....	2	-	2		320		
Na-me-qua-wah, junior.....	2	-	2		320		
Ta-pah-con-wah.....	1	1	2		320		
Pa-pee-ze-sa-wah.....	1	1	2		320		
Ta-ko-nah, or Mitchel.....	2	3	5		800		
Pe-la-she.....	1	1	2		320		
Wah-ke-shin-gah.....	2	2	4		640		
Waw-pon-ge-quah, or Mrs. Ward.....	3	3	6		960		

Persons or families.	Males.	Females.	Total.	Number of acres.
Paw-saw-kaw-kaw-maw	—	2	2	320
Ke-maw-lan-e-ah	2	3	5	800
Qua-kaw-me-kaw-trua, or J. Cox	2	2	4	640
Cow-we-shaw	2	—	2	320
Tah-wah-qua-ke-mon-ga	3	1	4	640

TREATY WITH THE MIAMI, 1854.

Articles of agreement and convention made and concluded at the city of Washington, this fifth day of June, one thousand eight hundred and fifty-four, between George W. Manypenny, commissioner on the part of the United States, and the following-named delegates representing the Miami tribe of Indians, viz: Nah-see-lan-quah, or Big Legs; Mu-cat-a-chin-quah, or Little Doctor; Lan-a-pin-cha, or Jack Hackley; So-ne-lan-gish-e-ah, or John Boorie; and Wan-zop-e-ah; they being thereto duly authorized by said tribe—and Me-shin-go-me-zia, Po-con-ge-ah, Pim-yi-oh-te-mah, Wop-pop-pe-tah, or Bondy, and Ke-ah-cot-woh, or Buffalo, Miami Indians, residents of the State of Indiana, being present, and assenting, approving, agreeing to, and confirming said articles of agreement and convention.

June 5, 1854.

10 Stats., 1093.
Ratified Aug. 4, 1854.
Proclaimed Aug. 4, 1854.

ARTICLE 1. The said Miami Indians hereby cede and convey to the United States, all that certain tract of country set apart and assigned to the said tribe, by the article added by the Senate of the United States, by resolution of the date of February twenty-fifth, one thousand eight hundred and forty-one, to the treaty of November twenty-eighth, one thousand eight hundred and forty, and denominated among the amendments of the Senate as "Article 12," which was assented to by said Indians, on the fifteenth day of May, one thousand eight hundred and forty-one; which tract is designated in said article as "bounded on the east by the State of Missouri, and on the north by the country of the Weas and Piankeshaws, on the west by the Pottowatomies of Indiana, and on the south by the land assigned to the New York Indians, estimated to contain five hundred thousand acres," excepting and reserving therefrom seventy thousand acres for their future homes, and also a section of six hundred and forty acres for school purposes, to be selected and assigned to said tribe as hereinafter provided.

Cession to the United States.

Reservation for homes and schools.

ARTICLE 2. The United States shall, as soon as it can conveniently be done, cause the lands herein ceded and reserved, to be surveyed, as the Government lands are surveyed, the Miamis bearing the expense of survey of the reserved lands; and within four months after the approval of such surveys, each individual or head of a family of the Miami tribe, now residing on said lands, shall select, if a single person, two hundred acres; and if the head of a family, a quantity equal to two hundred acres for each member of the family; which selections shall be so made as to include in each case, as far as practicable, the present residences and improvements of each person or family, and, where it is not practicable, the selection shall fall on lands in the same neighborhood. And if, by reason of absence or otherwise, any single person, or head of a family, entitled to lands as aforesaid, shall fail to make his or her selection within the period prescribed, the chiefs of the tribe shall proceed to select the lands for those thus in default. The chiefs shall also select the six hundred and forty acres hereinbefore reserved for their school, to include the buildings erected for school purposes, and to embrace a sufficient portion of timber-land. After all of the before-named selections shall have been made, the said chiefs shall further proceed to select, in a compact body, and contiguous to the individual reservations, the residue of the seventy thou-

Disposition of the ceded lands.

Sale of the reservation.

sand acres accepted and reserved by the preceding article, which body of land shall be held as the common property of the tribe, but may, at any time, when the chiefs and a majority of the tribe request it, be sold by the President, in the manner that public lands of the United States are sold, and the proceeds, after deducting the expense of such sale, be paid to the tribe, under the direction of the President, and in such mode as he may prescribe: *Provided*, That if any single person or family entitled to land, shall have been overlooked, or wrongfully excluded, and shall make the fact appear to the satisfaction of the chiefs, such person or family may, with the approbation of the Commissioner of Indian Affairs, receive their quantity, by the rule prescribed in this article, out of the tract to be thus selected and held as the common property of the tribe. All the selections herein provided for, shall, as far as practicable, be made in conformity with the legal subdivisions of United States lands, and immediately reported to the agent of the tribe, with apt descriptions of the same, and the President may cause patents to issue to single persons or heads of families for the lands selected by or for them, subject to such restrictions respecting leases and alienation as the President or Congress of the United States may impose; and the lands so patented shall not be liable to levy, sale, execution, or forfeiture: *Provided*, That the legislature of a State within which the ceded country may be hereafter embraced may, with the assent of Congress, remove these restrictions. When selections are so made, or attempted to be made, as to produce injury to, or controversies between, individuals, which cannot be settled by the parties, the matters of difficulty shall be investigated and decided on equitable terms, by the chiefs of the tribe, subject to appeal to the agent, whose decision shall be final.

Payment for said cession.

ARTICLE 3. In consideration of the cession hereinbefore made, the United States agree to pay to the Miami tribe of Indians the sum of two hundred thousand dollars, in manner as follows, viz: Twenty annual instalments of seven thousand five hundred dollars each, the first payable on the first day of October, one thousand eight hundred and sixty, and the remainder to be paid respectively on the first day of October of each succeeding year, until the whole shall have been paid; and the remaining fifty thousand dollars shall be invested by the President in safe and profitable stocks, the interest thereon to be applied, under his direction, for educational purposes, or such objects of a beneficial character, for the good of the tribe, as may be considered necessary and expedient; and hereafter, whenever the President shall think proper, the sum thus provided to be invested, may be converted into money, and the same paid to the tribe in such manner as he may judge to be best for their interests. No part of the moneys in this or the preceding article mentioned shall ever be appropriated or paid to the persons, families, or bands, who, by the fourteenth article of the treaty of November sixth, one thousand eight hundred and thirty-eight, by the fifth and seventh articles of the treaty of November twenty-eight, one thousand eight hundred and forty, or by virtue of two resolutions of Congress, approved March third, one thousand eight hundred and forty-five, and May first, one thousand eight hundred and fifty, or otherwise, are permitted to draw or have drawn, in the State of Indiana, their proportion of the annuities of the Miami tribe.

Mode of payments of the remaining instalments under treaty of Nov. 28, 1840.

ARTICLE 4. It is agreed that the remaining instalments of the limited annuity of twelve thousand five hundred dollars, stipulated to be paid by the second article of the treaty of November twenty-eight, one thousand eight hundred and forty, shall be divided and paid to the said Indians hereafter as follows: to the Indiana Miamis, six thousand eight hundred and sixty-three dollars and sixty-four cents, and to the Western Miamis, five thousand six hundred and thirty-six dollars and

thirty-six cents, per annum; subject, however, to the deductions provided for in the sixth article of this instrument; and that the permanent annuity stipulated in the fifth article of the treaty of October sixth, one thousand eight hundred and eighteen, as modified by the fifth article of the treaty of October twenty-third, one thousand eight hundred and thirty-four, for a blacksmith and miller, shall be continued for the benefit of said Western Miamis; but the said Miami Indians hereby relinquish and forever absolve the United States from the payment of the permanent annuity of twenty-five thousand dollars, stipulated in the fourth article of the treaty of October twenty-third, one thousand eight hundred and twenty-six, of the permanent provisions for money in lieu of laborers, for agricultural assistance, for tobacco, iron, steel, and salt, and from the payment of any and all other annuities of every kind or description, if any there be, to which said Indians may now be entitled by virtue of the stipulations of any former treaty or treaties; and they also release and discharge the United States from all claims or damages on account of the non-fulfilment of the stipulations of any former treaties, or of injuries to, or destruction or loss of property by the wrongful acts of citizens or agents of the United States or otherwise; and in consideration of the relinquishments and releases aforesaid, the United States agree to pay to the said Miami Indians, the sum of four hundred and twenty-one thousand four hundred and thirty-eight dollars and sixty-eight cents, in manner as follows, viz: one hundred and ninety thousand four hundred and thirty-four dollars and sixty-eight cents, to the Miami Indians residing on the ceded land; and two hundred and thirty-one thousand and four dollars, to the Miami Indians in the State of Indiana; to be paid under the direction of the President, and in such manner and for such objects as he may prescribe, in six equal annual instalments, the first of which shall be paid in the month of October, one thousand eight hundred and fifty-four. And in full payment and satisfaction of a balance of eight thousand dollars and sixty-eight cents, heretofore appropriated by Congress to pay for the valuation of certain improvements, or to make others in lieu of them, but which, not having been expended, has gone to the surplus fund; and of the accumulation of the appropriations for the support of the poor and infirm, and the education of the youth of the tribe, as provided by the treaties of October twenty-third, one thousand eight hundred and twenty-six, and November sixth, one thousand eight hundred and thirty-eight, amounting to fourteen thousand two hundred and twenty-three dollars and fifty cents; and of the claims of the Miamis who live on the ceded land, for damages and loss of stock and other property, caused by their removal west, and their subsequent loss by removal from Sugar Creek—it is agreed that the United States will pay to the Miami Indians residing on said ceded lands, the sum of thirty thousand dollars, to be paid as follows, viz: fourteen thousand two hundred and twenty-three dollars and fifty cents, in three equal annual instalments, the first of which shall be paid in the month of October, one thousand eight hundred and fifty-four; and the sums of eight thousand dollars and sixty-eight cents, in lieu of the improvement money referred to, and seven thousand seven hundred and seventy-five dollars and eighty-two cents, being the residue of said amount of thirty thousand dollars, shall be paid immediately after the requisite appropriation shall have been made: *Provided*, That the said sum of eight thousand dollars and sixty-eight cents, shall be paid to the persons who are entitled to the same, as far as that may be practicable; and the seven thousand seven hundred and seventy-five dollars and eighty-two cents shall be paid to such of the Miamis west as have lost stock or other property by wrongful acts of citizens of the United States, while in the Indian country, and to those who were injured by the loss of improvements in their

Blacksmith and miller.

Ante, p. 425.

Release of claims under other treaties.

Ante, p. 278.

Payment for such release.

Ante, p. 278.

Claims.

removal from Sugar Creek to their present home. The claimants, in all cases, to file their demands with the chiefs within six months after the ratification of this instrument; and if the aggregate sum of the lawful claims exceeds the amount of the fund, the claims shall be reduced by a uniform rule, so that each claimant shall receive his pro rata; but if it fall within the amount of said fund, the excess shall be paid to the tribe as annuities are paid. Any person aggrieved by the decision of the chiefs may appeal to the agent.

Mode of payment.

The sum of two hundred and thirty-one thousand and four dollars hereby stipulated to be paid to Miami Indians of Indiana shall be held by the United States for said last-named Indians, and by the Government invested, as the President may direct, at an interest of five per cent. per annum, and which interest shall be paid annually, for the period of twenty-five years, to the said Miami Indians of Indiana, and at the expiration of that time, or sooner if required by them and approved by the President, the principal sum to be paid in full, the United States being directly responsible therefor; said investment to be made and the interest thereon to commence accruing the first day of July, eighteen hundred and fifty-five, and thence to continue: *Provided*, That no persons other than those embraced in the corrected list agreed upon by the Miamis of Indiana, in the presence of the Commissioner of Indian Affairs, in June, eighteen hundred and fifty-four, comprising three hundred and two names as Miami Indians of Indiana, and the increase of the families of the persons embraced in said corrected list, shall be recipients of the payments, annuities, commutation moneys and interest hereby stipulated to be paid to the Miami Indians of Indiana, unless other persons shall be added to said list by the consent of the said Miami Indians of Indiana, obtained in council, according to the custom of Miami tribe of Indians: *Provided*, That the sum of nine thousand seven hundred and forty-six dollars and fourteen cents shall immediately be paid out of said sum of two hundred and thirty-one thousand and four dollars (and deducted from the same) to the following persons, who are a portion of the Miami tribe of Indians residing in Indiana, and in the following manner; seven thousand six hundred and eighty-nine dollars and twenty-two cents to the family of Jane T. Griggs, consisting of herself and six children, to wit, Warren A., Charles F., Anthony W., Ann Eliza., Martha Jane, and Maria Elizabeth Griggs, which sum may be paid to the said Jane T. Griggs, and her husband John H. Griggs, the father of said children, or to either of them; and the sum of two thousand and fifty-six dollars and ninety-two cents to Sash-o-quash and his wife, E-len-e-pish-o-quash, which may be paid to the said Sash-o-quash, it being understood that the said Griggs family have drawn but one annuity for the last eight years, the others having been paid to the balance of the tribe; which sum of nine thousand seven hundred and forty-six dollars and fourteen cents is to be in full payment and satisfaction of all sums of money that may be due, owing or coming to said two families, by virtue of this and all former treaties on account of their being of the Miami tribe of Indians or otherwise.

The Miami Indians of Indiana, being now represented in Washington by a fully authorized deputation, and having requested the foregoing amendments, the same are binding on them; but these amendments are in no way to affect or impair the stipulations in said treaty contained as to the Miamis west of the Mississippi, the said amendments being final, and not required to be submitted to the Miamis for their consent:

And the sum of two thousand two hundred dollars is hereby directed to be paid to the said Indians residing in the State of Indiana, for time employed and money expended in assisting to make this treaty, which may be paid to James T. Miller, their interpreter, and Tyn-yi-oh-te-mah, or to either of them, to be divided among said Indians according to justice and equity.

ARTICLE 5. It is hereby understood and agreed, respecting the permanent annuity of twenty-five thousand dollars, that the said Indians shall receive the same for the years eighteen hundred and fifty-four and eighteen hundred and fifty-five, but no longer. It is also understood and agreed (the Miamis west consenting) that as the Miamis of Indiana have had no share of the iron, steel, salt, tobacco, and so forth, given under treaty stipulations, and that as there is now in the Treasury under those heads of appropriation an unexpended balance of four thousand and fifty-nine dollars and eight cents, they shall have and receive said amount—and that the said annuity of twenty-five thousand dollars for said two years shall be divided between the Miamis of Indiana and those west of Missouri, in the same proportion as the annuity of twelve thousand five hundred dollars is divided in the preceding article.

The annuity of \$25,000 to be paid for 1854 and 1855, and no longer.

Division of the money.

ARTICLE 6. The United States having advanced, in pursuance of a provision of the act of Congress approved August thirtieth, one thousand eight hundred and fifty-two, entitled "An act making appropriations for the current and contingent expenses of the Indian Department," &c., the sum of twelve thousand four hundred and thirty-seven dollars and six cents to the Miami Indians, for the payment of an amount due to the Eel River band that had been erroneously paid to the "Miami Nation;" and the sum of one thousand five hundred and fifty-four dollars and sixty-three cents only, having, since said advance, been withheld by the United States, as a re-imbursement in part therefor, and there being still due to the United States, on account thereof, the sum of ten thousand eight hundred and eighty-two dollars and forty-three cents, it is hereby agreed that said balance shall be reimbursed fully to the United States out of the limited annuity of twelve thousand five hundred dollars, before mentioned in this instrument, in the manner and proportions following; that is to say, out of said annuity for the year one thousand eight hundred and fifty-four, and each of the five consecutive years, there shall be retained from the portion to be paid in those years to the Miamis of Indiana, the sum of eight hundred and fifty-three dollars and sixty-three cents, and from the portion to be paid to the Miamis west, the sum of seven hundred dollars and ninety-nine cents, and in the year one thousand eight hundred and sixty, from the portion due the Miamis of Indiana, the sum of eight hundred and fifty-three dollars and sixty-eight cents, and from the portion due those west, the sum of seven hundred and one dollars and three cents.

Repayment to the United States of amount advanced under act of 1852, ch. 103.

ARTICLE 7. Citizens of the United States or other persons not members of said tribe, shall not be permitted to make locations or settlements in the ceded country, until after the selections hereinbefore provided for have been made; and the provisions of the act of Congress approved March third, one thousand eight hundred and seven, in relation to lands ceded to the United States, shall, so far as the same are applicable, be extended to the lands herein ceded.

Settlement of the ceded lands.

ARTICLE 8. The debts of Indians contracted in their private dealings as individuals, whether to traders or otherwise, shall not be paid out of the general fund. And should any of said Indians become intemperate or abandoned, and waste their property, the President may withhold any moneys due or payable to such, and cause them to be paid, expended or applied, so as to ensure the benefit thereof to their families.

Private debts not a charge on the general fund.

Provisions respecting the idle and intemperate.

ARTICLE 9. The said Indians promise to renew their efforts to prevent the introduction and use of ardent spirits in their country, to encourage industry, thrift, and morality, and by every possible means to promote their advancement in civilization. They desire to be at peace with all men, and they bind themselves not to commit depredations or wrong upon either Indians or citizens; and should difficulties at any time arise, they will abide by the laws of the United States in such cases made and provided, as they expect to be protected, and to have their rights vindicated by those laws.

Conduct of the Indians.

Construction of
roads.

ARTICLE 10. It is agreed that all roads and highways, laid out by authority of law, shall have right of way through the lands herein reserved, on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of the said Indians, shall have right of way on the payment of a just compensation therefor in money.

Future arrange-
ments to effectuate
the objects of this
treaty.

ARTICLE 11. The object of this instrument being to advance the interests of said Indians, it is agreed, if it prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs, as, in his judgment, may be most beneficial to them; or Congress may, hereafter, make such provision by law, as experience shall prove to be necessary.

Application of the
first installment of
the above pay-
ments.

ARTICLE 12. It is agreed that the first instalment of the fourteen thousand two hundred and twenty-three dollars and fifty cents, mentioned in the fourth article, being the accumulation of the poor, infirm, and education fund, shall be applied, under the direction of the President, to purposes of education; and that a sufficient sum shall annually be set apart out of the payments to the Miamis west of Missouri, so long as any of the annuities herein provided for shall continue, to be expended under the direction of the chiefs, for the support of the poor and infirm, and for defraying any expenses of the tribe of a civil nature.

Application of part
of the annual pay-
ments to the Miamis
west.

ARTICLE 13. It is hereby agreed that the sum of six thousand five hundred dollars may be set apart from each of the first four annual payments to be made to the Miamis west, and applied as far as it may be necessary, to the settlement of their affairs. It is also agreed that so much as may be necessary for the repair of their mill and school-house, shall be set apart from any fund now on hand belonging to said Indians, or be taken from any of the first instalments in this instrument provided for.

Mill and school-
house.

ARTICLE 14. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, Commissioner as aforesaid, and the said delegates representing the Miami tribe of Indians, and also the said Miami Indians residents of the State of Indiana, have hereunto set their hands and seals, at the place, and on the day and year first above written.

George W. Manypenny, commissioner.

[L. S.]

Nah-we-lan-quah, or Big Legs, his x mark.

[L. S.]

Ma-cat-a-chin-quah, or Little Doctor, his x mark.

[L. S.]

Lan-a-pin-chah, or Jack Hackley.

[L. S.]

So-ne-lan-gish-eah, or John Bowrie, his x mark.

[L. S.]

Wan-zop-e-ah, his x mark.

[L. S.]

Miamis of Indiana:

Me-shin-go-me-zia, his x mark.

[L. S.]

Po-con-ge-ah, his x mark.

[L. S.]

Pim-yi-oh-te-nah, his x mark.

[L. S.]

Wop-pop-pe-tah, or Bondy.

[L. S.]

Ke-ah-cot-woh, or Buffalo, his x mark.

[L. S.]

Executed in presence of—

Nathan Rice,

Joseph F. Brown,

Robert Campbell,

James T. Miller,

Wm. B. Waugh,

Ely Moore, Indian agent.

Baptiste Peoria, his x mark, U. S. interpreter.

W. B. Waugh, witness to signing of Baptiste Peoria.

TREATY WITH THE CREEKS, 1854.

Supplementary article to the treaty with the Creek tribe of Indians made and concluded at Fort Gibson on the twenty-third day of November, in the year eighteen hundred and thirty-eight.

June 13, 1864.

11 Stats., 599.
Ratified July 21,
1864.

Whereas the third article of said treaty provided for the investment by the United States of the sum of three hundred and fifty thousand dollars for the benefit of certain individuals of the Creek nation, but which sum remains uninvested; and the fourth article of the same treaty further provides that at the expiration of twenty-five years from the date thereof, the said sum of three hundred and fifty thousand dollars shall be appropriated for the common benefit of the Creek nation; which provision has caused great dissatisfaction, the individuals to whom the fund rightfully belongs never having authorized or assented to such a future disposition thereof; and whereas the chiefs and people of the Creek nation recognize and consider the said fund as the exclusive property of said individuals, and are opposed to their hereafter being deprived thereof; and whereas the annual interest thereon is of no advantage to the great body of the persons to whom it is payable, and the distribution of the principal of the fund would be far more beneficial for them and prevent probable contest and difficulty hereafter; and such distribution has been requested by the chiefs representing both the nation and the individual claimants of said fund, the following supplementary article to the aforesaid treaty of 1838, has this day been agreed to and entered into, by and between William H. Garrett, United States agent for the Creeks and Tuckabatche Micco, Hopothle Yoholo, Benjamin Marshall, and George W. Stidham, chiefs and delegates of the Creek nation duly empowered to represent and act for the same and the individuals thereof to wit:

ARTICLE. It is hereby agreed and stipulated by and between the aforementioned parties, that the third and fourth articles of the treaty with the Creek nation of November 23, 1838, shall be and the same are hereby annulled; and the fund of three hundred and fifty thousand dollars therein mentioned and referred to shall be divided and paid out to the individuals of said nation for whose benefit the same was originally set apart, according to their respective and proportionate interests therein, as exemplified and shown by the schedule mentioned in the second article of said treaty; the said division and payment to be made by the United States so soon as the necessary appropriation for that purpose can be obtained from Congress.

Third and fourth
articles of treaty of
Nov. 23, 1838, annulled
and fund to be di-
vided.

In testimony whereof the said parties have hereunto set their hands and seals on this thirteenth day of June in the year of our Lord one thousand eight hundred and fifty-four.

W. H. Garrett, United States agent for the Creeks.	[L. s.]
Tuckabatche Micco, his x mark,	[L. s.]
Hopothlegoholo, his x mark,	[L. s.]
B. Marshall,	[L. s.]
G. W. Stidham,	[L. s.]

Signed and sealed in the presence of—

James Abercrombie, Sen.
Andrew R. Potts,
Robert A. Allen,
Philip H. Raiford.

TREATY WITH THE CHIPPEWA, 1854.

Sept. 30, 1854.
10 Stats., 1109.
Ratified Jan. 10, 1855.
Proclaimed Jan. 29,
1855.

Articles of a treaty made and concluded at La Pointe, in the State of Wisconsin, between Henry C. Gilbert and David B. Herriman, commissioners on the part of the United States, and the Chippewa Indians of Lake Superior and the Mississippi, by their chiefs and head-men.

Cession to the United States by the Chippewa of Lake Superior.

ARTICLE 1. The Chippewas of Lake Superior hereby cede to the United States all the lands heretofore owned by them in common with the Chippewas of the Mississippi, lying east of the following boundary-line, to wit: Beginning at a point, where the east branch of Snake River crosses the southern boundary-line of the Chippewa country, running thence up the said branch to its source, thence nearly north, in a straight line, to the mouth of East Savannah River, thence up the St. Louis River to the mouth of East Swan River, thence up the East Swan River to its source, thence in a straight line to the most westerly bend of Vermillion River, and thence down the Vermillion River to its mouth.

Relinquishment to Chippewa of Mississippi by Chippewa of Lake Superior.

The Chippewas of the Mississippi hereby assent and agree to the foregoing cession, and consent that the whole amount of the consideration money for the country ceded above, shall be paid to the Chippewas of Lake Superior, and in consideration thereof the Chippewas of Lake Superior hereby relinquish to the Chippewas of the Mississippi, all their interest in and claim to the lands heretofore owned by them in common, lying west of the above boundary-line.

Reservation for Chippewa of Lake Superior.

ARTICLE 2. The United States agree to set apart and withhold from sale, for the use of the Chippewas of Lake Superior, the following-described tracts of land, viz:

1st. For the L'Anse and Vieux De Sert bands, all the unsold lands in the following townships in the State of Michigan: Township fifty-one north range thirty-three west; township fifty-one north range thirty-two west; the east half of township fifty north range thirty-three west; the west half of township fifty north range thirty-two west, and all of township fifty-one north range thirty-one west, lying west of Huron Bay.

2d. For the La Pointe band, and such other Indians as may see fit to settle with them, a tract of land bounded as follows: Beginning on the south shore of Lake Superior, a few miles west of Montreal River, at the mouth of a creek called by the Indians Ke-che-se-be-we-she, running thence south to a line drawn east and west through the centre of township forty-seven north, thence west to the west line of said township, thence south to the southeast corner of township forty-six north, range thirty-two west, thence west the width of two townships, thence north the width of two townships, thence west one mile, thence north to the lake shore, and thence along the lake shore, crossing Shag-waw-me-quon Point, to the place of beginning. Also two hundred acres on the northern extremity of Madeline Island, for a fishing ground.

3d. For the other Wisconsin bands, a tract of land lying about Lac De Flambeau, and another tract on Lac Court Orielles, each equal in extent to three townships, the boundaries of which shall be hereafter agreed upon or fixed under the direction of the President.

4th. For the Fond Du Lac bands, a tract of land bounded as follows: Beginning at an island in the St. Louis River, above Knife Portage, called by the Indians Paw-paw-sco-me-me-tig, running thence west to the boundary-line heretofore described, thence north along said boundary-line to the mouth of Savannah River, thence down the St. Louis River to the place of beginning. And if said tract shall contain

less than one hundred thousand acres, a strip of land shall be added on the south side thereof, large enough to equal such deficiency.

5th. For the Grand Portage band, a tract of land bounded as follows: Beginning at a rock a little east of the eastern extremity of Grand Portage Bay, running thence along the lake shore to the mouth of a small stream called by the Indians Maw-ske-gwaw-caw-maw-se-be, or Crarberry Marsh River, thence up said stream, across the point to Pigeon River, thence down Pigeon River to a point opposite the starting-point, and thence across to the place of beginning.

6th. The Ontonagon band and that subdivision of the La Pointe band of which Buffalo is chief, may each select, on or near the lake shore, four sections of land, under the direction of the President, the boundaries of which shall be defined hereafter. And being desirous to provide for some of his connections who have rendered his people important services, it is agreed that the chief Buffalo may select one section of land, at such place in the ceded territory as he may see fit, which shall be reserved for that purpose, and conveyed by the United States to such person or persons as he may direct.

7th. Each head of a family, or single person over twenty-one years of age at the present time of the mixed bloods, belonging to the Chippewas of Lake Superior, shall be entitled to eighty acres of land, to be selected by them under the direction of the President, and which shall be secured to them by patent in the usual form.

ARTICLE 3. The United States will define the boundaries of the reserved tracts, whenever it may be necessary, by actual survey, and the President may, from time to time, at his discretion, cause the whole to be surveyed, and may assign to each head of a family or single person over twenty-one years of age, eighty acres of land for his or their separate use; and he may, at his discretion, as fast as the occupants become capable of transacting their own affairs, issue patents therefor to such occupants, with such restrictions of the power of alienation as he may see fit to impose. And he may also, at his discretion, make rules and regulations, respecting the disposition of the lands in case of the death of the head of a family, or single person occupying the same, or in case of its abandonment by them. And he may also assign other lands in exchange for mineral lands, if any such are found in the tracts herein set apart. And he may also make such changes in the boundaries of such reserved tracts or otherwise, as shall be necessary to prevent interference with any vested rights. All necessary roads, highways, and railroads, the lines of which may run through any of the reserved tracts, shall have the right of way through the same, compensation being made therefor as in other cases.

Survey and patents
of reservation.

ARTICLE 4. In consideration of and payment for the country hereby ceded, the United States agree to pay to the Chippewas of Lake Superior, annually, for the term of twenty years, the following sums, to wit: five thousand dollars in coin; eight thousand dollars in goods, household furniture and cooking utensils; three thousand dollars in agricultural implements and cattle, carpenter's and other tools and building materials, and three thousand dollars for moral and educational purposes, of which last sum, three hundred dollars per annum shall be paid to the Grand Portage band, to enable them to maintain a school at their village. The United States will also pay the further sum of ninety thousand dollars, as the chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of six thousand dollars, in agricultural implements, household furniture, and cooking utensils, to be distributed at the next annuity payment, among the mixed bloods of said nation. The United States will also furnish two hundred guns, one hundred rifles, five hundred beaver-traps, three hundred dollars' worth of ammuni-

Payments for said
cession.

tion, and one thousand dollars' worth of ready-made clothing, to be distributed among the young men of the nation, at the next annuity payment.

Blacksmiths and assistants.

ARTICLE 5. The United States will also furnish a blacksmith and assistant, with the usual amount of stock, during the continuance of the annuity payments, and as much longer as the President may think proper, at each of the points herein set apart for the residence of the Indians, the same to be in lieu of all the employees to which the Chippewas of Lake Superior may be entitled under previous existing treaties.

Annuities not to be withheld for debt, but may be for depredations.

ARTICLE 6. The annuities of the Indians shall not be taken to pay the debts of individuals, but satisfaction for depredations committed by them shall be made by them in such manner as the President may direct.

Spirituos liquors.

ARTICLE 7. No spirituous liquors shall be made, sold, or used on any of the lands herein set apart for the residence of the Indians, and the sale of the same shall be prohibited in the Territory hereby ceded, until otherwise ordered by the President.

Division between Chippewas of Mississippi and of Lake Superior of benefits of former treaties.

ARTICLE 8. It is agreed, between the Chippewas of Lake Superior and the Chippewas of the Mississippi, that the former shall be entitled to two-thirds, and the latter to one-third, of all benefits to be derived from former treaties existing prior to the year 1847.

Arrearages.

ARTICLE 9. The United States agree that an examination shall be made, and all sums that may be found equitably due to the Indians, for arrearages of annuity or other thing, under the provisions of former treaties, shall be paid as the chiefs may direct.

Preemption.

ARTICLE 10. All missionaries, and teachers, and other persons of full age, residing in the territory hereby ceded, or upon any of the reservations hereby made by authority of law, shall be allowed to enter the land occupied by them at the minimum price whenever the surveys shall be completed to the amount of one quarter-section each.

Annuities, how paid.

ARTICLE 11. All annuity payments to the Chippewas of Lake Superior, shall hereafter be made at L'Anse, La Pointe, Grand Portage, and on the St. Louis River; and the Indians shall not be required to remove from the homes hereby set apart for them. And such of them as reside in the territory hereby ceded, shall have the right to hunt and fish therein, until otherwise ordered by the President.

Stipulations for Bois Forte Indians.

ARTICLE 12. In consideration of the poverty of the Bois Forte Indians who are parties to this treaty, they having never received any annuity payments, and of the great extent of that part of the ceded country owned exclusively by them, the following additional stipulations are made for their benefit. The United States will pay the sum of ten thousand dollars, as their chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of ten thousand dollars, in five equal annual payments, in blankets, cloth, nets, guns, ammunition, and such other articles of necessity as they may require.

They shall have the right to select their reservation at any time hereafter, under the direction of the President; and the same may be equal in extent, in proportion to their numbers, to those allowed the other bands, and be subject to the same provisions.

They shall be allowed a blacksmith, and the usual smithshop supplies, and also two persons to instruct them in farming, whenever in the opinion of the President it shall be proper, and for such length of time as he shall direct.

It is understood that all Indians who are parties to this treaty, except the Chippewas of the Mississippi, shall hereafter be known as the Chippewas of Lake Superior. *Provided*, That the stipulation by which the Chippewas of Lake Superior relinquishing their right to land west

of the boundary-line shall not apply to the Bois Forte band who are parties to this treaty.

ARTICLE 13. This treaty shall be obligatory on the contracting parties, as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Henry C. Gilbert, and the said David B. Herriman, commissioners as aforesaid, and the undersigned chiefs and headmen of the Chippewas of Lake Superior and the Mississippi, have hereunto set their hands and seals, at the place aforesaid, this thirtieth day of September, one thousand eight hundred and fifty-four.

Henry C. Gilbert,
David B. Herriman,
Commissioners.

Richard M. Smith, Secretary.

La Pointe Band:		May-mosh-caw-wosh, headman,	
Ke-che-waish-ke, or the Buffalo,		his x mark.	[L. s.]
1st chief, his x mark.	[L. s.]	Aw-de-konse, or the Little Rein-	
Chay-che-que-oh, 2d chief, his x		deer, 2d chief, his x mark.	[L. s.]
mark.	[L. s.]	Way-we-ge-wam, headman, his x	
A-daw-we-ge-zhick, or Each Side		mark.	[L. s.]
of the sky, 2d chief, his x		Fond Du Lac Band:	
mark.	[L. s.]	Shing-goope, or the Balsom, 1st	
O-ske-naw-way, or the Youth, 2d		chief, his x mark.	[L. s.]
chief, his x mark.	[L. s.]	Mawn-go-sit, or the Loon's Foot,	
Maw-caw-day-pe-nay-se, or the		2d chief, his x mark.	[L. s.]
Black Bird, 2d chief, his x		May-quaw-me-we-ge-zhick, head-	
mark.	[L. s.]	man, his x mark.	[L. s.]
Naw-waw-naw-quot, headman, his		Keesh - kawk, headman, his x	
x mark.	[L. s.]	mark.	[L. s.]
Ke-wain-zeence, headman, his x		Caw-taw-waw-be-day, headman,	
mark.	[L. s.]	his x mark.	[L. s.]
Waw-baw-ne-me-ke, or the White		O-saw-gee, headman, his x mark.	[L. s.]
Thunder, 2d chief, his x mark.	[L. s.]	Ke-che-aw-ke-wain-ze, headman,	
Pay-law-me-say, or the Soarer, 2d		his x mark.	[L. s.]
chief, his x mark.	[L. s.]	Naw-gaw-nub, or the Foremost Sit-	
Naw-waw-ge-waw-nose, or the Lit-		ter, 2d chief, his x mark.	[L. s.]
tle Current, 2d chief, his x		Ain-ne-maw-sung, 2d chief, his x	
mark.	[L. s.]	mark.	[L. s.]
Maw-caw-day-waw-quot, or the		Naw-aw-bun-way, headman, his x	
Black Cloud, 2d chief, his x		mark.	[L. s.]
mark.	[L. s.]	Wain-ge-maw-tub, headman, his	
Me-che-naw-way, or the Disciple,		x mark.	[L. s.]
2d chief, his x mark.	[L. s.]	Aw-ke-wain-zeence, headman, his	
Key-me-waw-naw-um, headman,		x mark.	[L. s.]
his x mark.	[L. s.]	Shay-way-be-nay-se, headman, his	
She-gog headman, his x mark.	[L. s.]	x mark.	[L. s.]
Ontonagon Band:		Paw-pe-oh, headman, his x mark.	[L. s.]
O-cun-de-cun, or the Buoy 1st chief,		Lac Court Oreille Band:	
his x mark.	[L. s.]	Aw-ke-wain-ze, or the Old Man,	
Waw-say-ge-zhick, or the Clear		1st chief, his x mark.	[L. s.]
Sky, 2d chief, his x mark.	[L. s.]	Key-no-zhance, or the Little Jack	
Keesh-ke-taw-wug, headman, his		Fish, 1st chief, his x mark.	[L. s.]
x mark.	[L. s.]	Key-che-pe-nay-se, or the Big	
L'Ansee Band:		Bird, 2d chief, his x mark.	[L. s.]
David King, 1st chief, his x mark.	[L. s.]	Ke-che-waw-be-shay-she, or the	
John Southwind, headman, his x		Big Martin, 2d chief, his x	
mark.	[L. s.]	mark.	[L. s.]
Peter Marksman, headman, his x		Waw-be-shay-sheence, headman,	
mark.	[L. s.]	his x mark.	[L. s.]
Naw-taw-me-ge-zhick, or the First		Quay-quay-cub, headman, his x	
Sky, 2d chief, his x mark.	[L. s.]	mark.	[L. s.]
Aw-se-neece, headman, his x mark.	[L. s.]	Shaw-waw-no-me-tay, headman,	
Vieux De Sert Band:		his x mark.	[L. s.]
May-away-aw-she, 1st chief, his x		Nay-naw-ong-gay-be, or the Dress-	
mark.	[L. s.]	ing Bird, 1st chief, his x mark.	[L. s.]
Posh-quay-gin, or the Leather, 2d		O-zhaw-waw-sco-ge-zhick, or the	
chief, his x mark.	[L. s.]	Blue Sky, 2d chief, his x	
Grand Portage Band:		mark.	[L. s.]
Shaw-gaw-naw-sheence, or the Lit-		I-yaw-banse, or the Little Buck,	
tle Englishman, 1st chief, his		2d chief, his x mark.	[L. s.]
x mark.	[L. s.]		

Ke-che-e-nin-ne, headman, his x mark.	[L. s.]	The Mississippi Bands:	
Haw-daw-gaw-me, headman, his x mark.	[L. s.]	Que-we-san-se, or Hole in the Day, head chief, his x mark.	[L. s.]
Way-me-te-go-she, headman, his x mark.	[L. s.]	Caw-nawn-daw-waw-win-zo, or the Berry Hunter, 1st chief, his x mark.	[L. s.]
Pay-ne-ge-wung, headman, his x mark.	[L. s.]	Waw-bow-jieg, or the White Fisher, 2d chief, his x mark.	[L. s.]
Lac Du Flambeau Band:		Ot-taw-waw, 2d chief, his x mark.	[L. s.]
Aw-mo-se, or the Wasp, 1st chief, his x mark.	[L. s.]	Que-we-zhan-cis, or the Bad Boy, 2d chief, his x mark.	[L. s.]
Ke-nish-te-no, 2d chief, his x mark.	[L. s.]	Bye-a-jick, or the Lone Man, 2d chief, his x mark.	[L. s.]
Me-gee-see, or the Eagle, 2d chief, his x mark.	[L. s.]	I-yaw-shaw-way-ge-zhick, or the Crossing Sky, 2d chief, his x mark.	[L. s.]
Kay-kay-co-gwaw-nay-aw-she, headman, his x mark.	[L. s.]	Maw-caw-day, or the Bear's Heart, 2d chief, his x mark.	[L. s.]
O-che-chog, headman, his x mark.	[L. s.]	Ke-way-de-no-go-nay-be, or the Northern Feather, 2d chief, his x mark.	[L. s.]
Nay-she-kay-gwaw-nay-be, headman, his x mark.	[L. s.]	Me-squaw-dace, headman, his x mark.	[L. s.]
O-saw-bay-wis, or the Waiter, 1st chief, his x mark.	[L. s.]	Naw-gaw-ne-gaw-bo, headman, his x mark.	[L. s.]
Que-we-zance, or the White Fish, 2d chief, his x mark.	[L. s.]	Wawm-be-de-yea, headman, his x mark.	[L. s.]
Ne-gig, or the Otter, 2d chief, his x mark.	[L. s.]	Waish-key, headman, his x mark.	[L. s.]
Nay-waw-che-ge-ghick-may-be, headman, his x mark.	[L. s.]	Caw-way-caw-ne-ge-skung, headman, his x mark.	[L. s.]
Quay-quay-ke-cah, headman, his x mark.	[L. s.]	My-yaw-ge-way-we-dunk, or the One who carries the Voice, 2d chief, his x mark.	[L. s.]
Bois Forte Band:		John F. Godfroy,	} Interpreters.
Kay-baish-caw-daw-way, or Clear Round the Prairie, 1st chief, his x mark.	[L. s.]	Geo. Johnston,	
Way-zaw-we-ge-zhick-way-sking, headman, his x mark.	[L. s.]	S. A. Marvin,	
O-saw-we-pe-nay-she, headman, his x mark.	[L. s.]	Louis Codot,	
		Paul H. Beaulieu,	
		Henry Blatchford,	
		Peter Floy,	

Executed in the presence of—

Henry M. Rice,
J. W. Lynde,
G. D. Williams,
E. H. Connor,
E. W. Muldough,
Richard Godfroy,

D. S. Cash,
H. H. McCullough,
E. Smith Lee,
Wm. E. Vantassel,
L. H. Wheeler.

TREATY WITH THE CHOCTAW AND CHICKASAW, 1854.

Nov. 4, 1854.
10 Stat., 1116,
Ratified Feb. 28,
1855.
Proclaimed Apr. 10,
1855.

Preamble.

Whereas a convention and agreement was made and entered into by the Choctaw and Chickasaw Indians, at Doaksville, near Fort Towson, in the Choctaw country, on the seventeenth day of January, A. D. one thousand eight hundred and thirty-seven; and, whereas, difficulties have arisen between said tribes in regard to the line of boundary, between the Chickasaw district and other districts of the Choctaw nation, described in article second of said convention and agreement; and, whereas, it is the desire of the said tribes, that there shall no longer exist any dispute in regard to the boundary of the Chickasaw district, the undersigned, Thomas J. Pitchlynn, Edmund McKenny, R. M. Jones, Daniel Folsom, and Samuel Garland, commissioners duly appointed and empowered by the Choctaw tribe of red people; and Edmund Pickens, Benjamin S. Love, James T. Gaines, Sampson Folsom, and Edmund Perry, commissioners duly appointed and empowered by the Chickasaw tribe of Indians, to settle all matters in dispute between their respective tribes, which require new articles of agreement between them, have solemnly made the following articles of convention and agreement, on the fourth day of November, A. D. one

thousand eight hundred and fifty-four, at Doaksville, near Fort Towson, in the Choctaw country, subject to the approval of the President and the Senate of the United States.

ARTICLE 1. It is agreed by the Choctaw and Chickasaw tribes of Indians, in lieu of the boundaries established under article second of the convention and agreement entered into between said tribes, January 17th, A. D. 1837, the Chickasaw district of the Choctaw nation shall be bounded as follows, viz: Beginning on the north bank of the Red River, at the mouth of Island Bayou, where it empties into the Red River, about twenty-six miles on a straight line, below the mouth of False Wachitta, thence running a northwesterly course, along the main channel of said bayou to the junction of three prongs of said bayou nearest the dividing ridge between Wachitta and Low Blue rivers, as laid down upon Capt. R. L. Hunter's map; thence, northerly along the eastern prong of Island Bayou to its source; thence, due north to the Canadian River, thence west, along the main Canadian, to one hundred degrees of west longitude; thence south to Red River, and down Red River to the beginning: *Provided, however*, if the line running due north from the eastern source of Island Bayou to the main Canadian shall not include Allen's or Wa-pa-nacka academy within the Chickasaw district, then an offset shall be made from said line so as to leave said academy two miles within the Chickasaw district, north, west, and south from the lines of boundary.

Boundaries of the
Chickasaw district of
the Choctaws.

ARTICLE 2. It is agreed by the Choctaws, that the Chickasaws employ a surveyor or engineer to run out and mark the eastern line of the Chickasaw district, and by the Chickasaws that they will pay all expenses incurred in running out and marking said line; and it is mutually agreed that the chiefs of each district of the Choctaw nation shall appoint one commissioner to attend and supervise the running and marking of said line; the chief of the Chickasaw district giving them at least thirty days' notice of the time when the surveyor or engineer will proceed to run out and mark the line agreed upon; which shall be plainly marked upon trees, where there is timber, and by permanent monuments of stone, at every mile, where there is not sufficient timber upon which the line can be marked in a permanent manner, before the first day of August, A. D. one thousand eight hundred and fifty-five.

Line, how to be run
and marked.

In testimony whereof, the parties to this convention and agreement have hereunto subscribed their names and affixed their seals.

Done in triplicate at Doaksville, near Fort Towson, Choctaw Nation, the day and year first above written.

Thos. J. Pitchlynn,	[L. s.]
Edmund McKenny,	[L. s.]
R. M. Jones,	[L. s.]
Daniel Folsom,	[L. s.]
Samuel Garland,	[L. s.]

Commissioners on the part of Choctaws.

Edmund Pickens	[L. s.]
Benjamin S. Love,	[L. s.]
James T. Gaines,	[L. s.]
Sampson Folsom,	[L. s.]
Edmund Perry,	[L. s.]

Commissioners on the part of the Chickasaws.

In presence of—

Geo. W. Harkins,
Peter Folsom,
Nicholas Cochnaner,
Jackson Frazier,

Chiefs of the Choctaw Nation.

Douglas H. Cooper, United States Indian agent.
William K. McKean.

TREATY WITH THE ROGUE RIVER, 1854.

Nov. 15, 1854.
 10 Stats., 1119.
 Ratified Mar. 3, 1855.
 Proclaimed Apr. 7,
 1855.

Articles of an agreement entered into and concluded this fifteenth day of November, one thousand eight hundred and fifty-four, between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Rogue River tribe of Indians, on the part of said tribe.

Other Indians may
 be settled on the Table
 Rock Reserve.

Ante, p. 668.

Annuities.

Roads may be made.

Payment and stipu-
 lations in considera-
 tion of the foregoing
 article.

Provision in case of
 removal from said
 reservation.

Provision in case
 treaty is not ratified
 or no Indians are re-
 moved to said reserve.

ARTICLE 1. It is agreed on the part of said tribe, that the Table Rock reserve, described in the treaty of the 10th September, 1853, between the United States and the Rogue River tribe, shall be possessed and occupied jointly by said tribe and such other tribes and bands of Indians as the United States shall agree with by treaty stipulations, or the President of the United States shall direct, to reside thereupon, the place of residence of each tribe, part of tribe, or band on said reserve, to be designated by the superintendent of Indian affairs or Indian agent; that the tribes and bands hereafter to be settled on said reserve shall enjoy equal rights and privileges with the Rogue River tribe; and that the annuities paid to the Indians now residing, or hereafter to reside on said reserve, shall be shared by all alike, from and after said residence thereon: *Provided*, That the annuity of the Rogue River tribe, as agreed on in the treaty of the 10th September, 1853, shall not be diminished or in any way impaired thereby. It is also agreed, that the United States shall have the right to make such roads, highways, and railroads through said reserve as the public good may from time to time require, a just compensation being made therefor.

ARTICLE 2. In consideration of the foregoing stipulations, it is agreed on the part of the United States to pay to the Rogue River tribe, as soon as practicable after the signing of this agreement, two thousand one hundred and fifty dollars, in the following articles: twelve horses, one beef, two yokes of oxen, with yokes and chains, one wagon, one hundred men's coats, fifty pairs of pantaloons, and fifty hickory shirts; also, that in the treaties to be made with other tribes and bands, hereafter to be located on said reserve, that provision shall be made for the erection of two smith-shops; for tools, iron, and blacksmiths for the same; for opening farms and employing farmers; for a hospital, medicines, and a physician; and for one or more schools; the uses and benefits of all which shall be secured to said Rogue River tribe, equally with the tribes and bands treated with; all the improvements made, and schools, hospital, and shops erected, to be conducted in accordance with such laws, rules, and regulations as the Congress or the President of the United States may prescribe.

ARTICLE 3. It is further agreed, that when at any time hereafter the Indians residing on this reserve shall be removed to another reserve, or shall be elsewhere provided for, that the fifteen thousand dollars thereafter to be paid to said Rogue River tribe, as specified in the treaty of the 10th September, 1853, shall be shared alike by the members of all the tribes and bands that are, or hereafter shall be located on the said Table Rock reserve.

ARTICLE 4. It is also further provided that in the event that this agreement shall not be ratified by the President and Senate of the United States, or that no other tribe or band shall be located on said reserve, the two thousand one hundred and fifty dollars stipulated in article second of this agreement to be paid said Rogue River tribe, shall be deducted from their annuities hereafter to be paid said Indians.

In testimony whereof, the said Joel Palmer, superintendent as aforesaid, and the undersigned chiefs and headmen of the Rogue River Tribe of Indians, have hereunto set their hands and seals, at Even's

Creek, on the Table Rock Reserve, on the day and year herein before written.

Joel Palmer, superintendent	[L. S.]
Ap-sa-ka-hah, or Joe, first chief, his x mark,	[L. S.]
Ko-ko-ha-wah, or Sam, second chief, his x mark,	[L. S.]
Sambo, third chief, his x mark,	[L. S.]
Te-cum-tum, or John, fourth chief, his x mark,	[L. S.]
Te-wah-hait, or Elijah, his x mark,	[L. S.]
Cho-cul-tah, or George, his x mark,	[L. S.]
Telum-whah, or Bill, his x mark,	[L. S.]
Hart-tish, or Applegate John, his x mark,	[L. S.]
Qua-chis, or Jake, his x mark,	[L. S.]
Tom, his x mark,	[L. S.]
Henry, his x mark,	[L. S.]
Jim, his x mark,	[L. S.]

Executed in presence of—

Edward R. Geary, secretary.

Cris. Taylor,

John Flett, interpreter.

R. B. Metcalfe.

TREATY WITH THE CHASTA, ETC., 1854.

Articles of a convention and agreement made and concluded at the council-ground, opposite the mouth of Applegate Creek, on Rogue River, in the Territory of Oregon, on the eighteenth day of November, one thousand eight hundred and fifty-four, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and head-men of the Quil-si-eton and Na-hel-ta bands, of the Chasta tribe of Indians, the Cow-nan-ti-co, Sa-cher-i-ton, and Na-al-ye bands of Scotons, and the Grave Creek band of Umpquas, to wit, Jes-tul-tut, or Little Chief, Ko-ne-che-quot, or Bill, Se-sel-che-tel, or Salmon Fisher, Kul-ki-am-i-na, or Bush-head, Te-pok-on-ta, or Sam, and Jo, they being duly authorized thereto by said united bands.

Nov. 18, 1854.

10 Stats., 1122.
Ratified Mar. 3, 1855.
Proclaimed Apr. 10, 1855.

Preamble.

ARTICLE 1. The aforesaid united bands cede to the United States all their country, bounded as follows:

Cession to the United States.

Commencing at a point in the middle of Rogue River, one mile below the mouth of Applegate Creek; thence northerly, on the western boundary of the country heretofore purchased of the Rogue River tribe by the United States, to the head-waters of Jump-Off-Jo Creek; thence westerly to the extreme northeastern limit of the country purchased of the Cow Creek band of Umpquas; thence along that boundary to its extreme southwestern limit; thence due west to a point from which a line running due south would cross Rogue River, midway between the mouth of Grave Creek and the great bend of Rogue River; thence south to the southern boundary of Oregon; thence east along said boundary to the summit of the main ridge of the Siskiyou Mountains, or until this line reaches the boundary of the country purchased of the Rogue River tribe; thence northerly along the western boundary of said purchase to the place of beginning.

ARTICLE 2. The said united bands agree that as soon after the ratification of this convention as practicable, they will remove to such portion of the Table Rock reserve as may be assigned them by the superintendent of Indian affairs or agent, or to whatsoever other reserve the President of the United States may at any time hereafter direct.

Removal to Table Rock reserve.

ARTICLE 3. In consideration of and payment for the country herein ceded, the United States agree to pay to the said united bands the sum

Payment for said cession.

of two thousand dollars annually for fifteen years, from and after the first day of September, one thousand eight hundred and fifty-five, which annuities shall be added to those secured to the Rogue River tribe by the treaty of the 10th September, 1853, and the amount shared by the members of the united bands and of the Rogue River tribe, jointly and alike; said annuities to be expended for the use and benefit of said bands and tribe in such manner as the President may from time to time prescribe; for provisions, clothing, and merchandise; for buildings, opening and fencing farms, breaking land, providing stock, agricultural implements, tools, seeds, and such other objects as will in his judgment promote the comfort and advance the prosperity and civilization of said Indians. The United States also agree to appropriate the additional sum of five thousand dollars, for the payment of the claims of persons whose property has been stolen or destroyed by any of the said united bands of Indians since the first day of January, 1849; such claims to be audited and adjusted in such manner as the President may prescribe.

Provision in case of removal from said reserve.

ARTICLE 4. When said united bands shall be required to remove to the Table Rock reserve or elsewhere, as the President may direct, the further sum of six thousand five hundred dollars shall be expended by the United States for provisions to aid in their subsistence during the first year they shall reside thereon; for the erecting of necessary buildings, and the breaking and fencing of fifty acres of land, and providing seed to plant the same, for their use and benefit, in common with the other Indians on the reserve.

Stipulations for all Indians on said reserve.

ARTICLE 5. The United States engage that the following provisions, for the use and benefit of all Indians residing on the reserve, shall be made:

An experienced farmer shall be employed to aid and instruct the Indians in agriculture for the term of fifteen years.

Two blacksmith-shops shall be erected at convenient points on the reserve, and furnished with tools and the necessary stock, and skilful smiths employed for the same for five years.

A hospital shall be erected, and proper provision made for medical purposes, and the care of the sick for ten years.

School-houses shall be erected, and qualified teachers employed to instruct children on the reserve, and books and stationery furnished for fifteen years.

All of which provisions shall be controlled by such laws, rules, or regulations as Congress may enact or the President prescribe.

Survey and allotment of said reserve.

ARTICLE 6. The President may, from time to time, at his discretion, direct the surveying of a part or all of the agricultural lands on said reserve, divide the same into small farms of from twenty to eighty acres, according to the number of persons in a family, and assign them to such Indians as are willing to avail themselves of the privilege and locate thereon as a permanent home, and to grant them a patent therefor under such laws and regulations as may hereafter be enacted or prescribed.

Annuities not to be taken for debt.

ARTICLE 7. The annuities of the Indians shall not be taken to pay the debts of individuals.

Conduct of said tribes.

ARTICLE 8. The said united bands acknowledge themselves subject to the Government of the United States, and engage to live in amity with the citizens thereof, and commit no depredations on the property of said citizens; and should any Indian or Indians violate this pledge, and the fact be satisfactorily proven, the property shall be returned, or if not returned, or if injured or destroyed, compensation may be made therefor out of their annuities. They also pledge themselves to live peaceably with one another, and with other Indians, to abstain from war and private acts of revenge, and to submit all matters of difference between themselves and Indians of other tribes and bands to the decision of the United States or the agent, and to abide thereby.

It is also agreed that if any individual shall be found guilty of bringing liquor into their country, or drinking the same, his or her annuity may be withheld during the pleasure of the President.

ARTICLE 9. This convention shall be obligatory on the contracting parties from and after its ratification by the President and Senate of the United States.

In testimony whereof, Joel Palmer, superintendent aforesaid, and the undersigned chiefs and headmen of said united bands, have hereunto set their hands and seals at the place and on the day and year herein written.

(Signed in duplicate)

Joel Palmer, Superintendent.	[L. S.]
Jes-tul-tut, or Little Chief, his x mark.	[L. S.]
Ko-ne-che-quot, or Bill, his x mark.	[L. S.]
Se-sel-chetl, or Salmon Fisher, his x mark.	[L. S.]
Bas-ta-shin, his x mark,	[L. S.]
For Kul-ke-am-ina, or Bushland.	
Te-po-kon-ta, or Sam, his x mark,	[L. S.]
Jo (Chief of Grave Creeks), his x mark.	[L. S.]

Executed in presence of us—

Edward R. Geary, Secretary.
John Flett, Interpreter.
Cris. Taylor.

TREATY WITH THE UMPQUA AND KALAPUYA, 1854.

Articles of agreement and convention made and concluded at Calapooia Creek, Douglas County, Oregon Territory, this twenty-ninth day of November, one thousand eight hundred and fifty-four, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following-named chiefs and heads of the confederated bands of the Umpqua tribe of Indians, and of the Calapooias residing in Umpqua Valley, to wit: Napesa, or Louis, head chief; Peter, or Injica; Tas-yah, or General Jackson; Bogus; Nessick; Et-na-ma or William, Cheen-len-ten or George, Nas-yah or John, Absaquil or Chenook, Jo, and Tom, they being assembled in council with their respective bands.

Nov. 29, 1854.

10 Stats., 1125.
Ratified Mar. 3, 1855.
Proclaimed Mar. 30, 1855.

ARTICLE 1. The confederated bands of Umpqua and Calapooia Indians cede to the United States all their country included within the following limits, to wit: Commencing at the northwest corner of the country purchased of the Galeese Creek and Illinois River Indians on the 18th day of November, 1854, and running thence east to the boundary of the Cow Creek purchase, thence northerly along said boundary to its northeastern extremity; thence east to the main ridge of the Cascade Mountains; thence northerly to the main falls of the North Umpqua River; thence to Scott's Peak, bearing easterly from the head-waters of Calapooia Creek; thence northerly to the connection of the Calapooia Mountains with the Cascade range; thence westerly along the summit of the Calapooia Mountains to a point whence a due south line would cross Umpqua River at the head of tide-water; thence on that line to the dividing ridge between the waters of Umpqua and Coose Rivers; thence along that ridge, and the divide between Coquille and Umpqua Rivers, to the western boundary of the country purchased of the Galeese Creek Indians, or of the Cow Creek Indians, as the case may be, and thence to the place of beginning.

Cession to the United States.

Provided, however, That so much of the lands as are embraced within the following limits, shall be held by said confederated bands, and such other bands as may be designated to reside thereupon, as an Indian

Reservation for a residence.

reservation. To wit: Commencing at a point three miles due south of the mouth of a small creek emptying into the Umpqua River, near the western boundary of John Churchill's land-claim, at the lower end of Cole's Valley; thence north to the middle of the channel of Umpqua River; thence up said river to a point due south of the highest peak of the ridge, immediately west of Allan Hubbard's land-claim; thence to said peak, thence along the summit of the ridge dividing the waters, to its termination at or near the mouth of Little Canyon Creek; thence, crossing the Umpqua River in a westerly direction to the high-lands opposite the mouth of said creek; thence following the divide until it reaches a point whence a line drawn to the place of beginning will run three miles south of the extreme southern bend in the Umpqua River between these two points; and thence to the place of beginning. And should the President at any time believe it demanded by the public good and promotive of the best interests of said Indians to be located elsewhere, the said Indians agree peaceably, and without additional expense to the Government of the United States, to remove to such reserve as may be selected; provided that a delegation of three or more of the principal men of said bands selected by them, shall concur with the authorized agent or agents of the United States in the selection of said new reserve. And when said removal shall take place, the particular tracts then actually occupied by said Indians, on the reserve herein described, according to the provisions of this treaty, and those occupied by Indians of other bands that may be located thereon, shall be sold by order of the President of the United States, and the proceeds of such sales expended in permanent improvements on the new reserve, for the use and benefit of the holders of said tracts respectively.

Removal from said reserve if it should become expedient.

Removal from the ceded lands.

Payment for said cession.

ARTICLE 2. The confederated bands agree that as soon after the United States shall make the necessary provision for fulfilling the stipulations of this treaty as they conveniently can, and not to exceed one year after such provision is made, they will vacate the ceded territory and remove to the lands herein reserved for them.

ARTICLE 3. In consideration of and payment for the country herein ceded, the United States agree to pay the said confederated bands the several sums of money following, to wit: First, three thousand dollars per annum for the term of five years, commencing on the first day of September, 1855. Second, two thousand three hundred dollars per annum for the term of five years next succeeding the first five. Third, one thousand seven hundred dollars per annum for the term of five years next succeeding the second five years. Fourth, one thousand dollars per annum for the term of five years next succeeding the third five years.

All of which several sums of money shall be expended for the use and benefit of the confederated bands, under the direction of the President of the United States, who may from time to time, at his discretion, determine what proportion shall be expended for such beneficial objects as in his judgment will be calculated to advance them in civilization; for their moral improvement and education; for buildings, opening farms, fencing, breaking land, providing stock, agricultural implements, seeds, &c.; for clothing, provisions, and merchandise; for iron, steel, arms, and ammunition; for mechanics and tools, and for medical purposes.

Payment for expense of removal.

ARTICLE 4. In order to enable the said Indians to remove to their new home, and subsist themselves for one year thereafter, (and which they agree to do without further expense to the United States,) and to provide for the breaking up and fencing of fifty acres of land, and the erection of buildings on the reserve, the purchase of teams, farming-utensils, tools, &c., and for other purposes necessary to their comfort and subsistence, they shall receive from the United States the further

sum of ten thousand dollars, to be paid out and expended under the direction of the President, and in such manner as he shall approve.

ARTICLE 5. The President may from time to time, at his discretion, cause the whole or such portion of the land hereby reserved as he may think proper, or of such other land as may be selected in lieu thereof, as provided for in the first article, to be surveyed into lots, and assigned to such Indian or Indians of said confederated bands as are willing to avail themselves of the privilege, and who will locate thereon as a permanent home, if a single person over twenty-one years of age, twenty acres; to each family of two persons, forty acres; to each family of three and not exceeding five persons, sixty acres; to each family of six and not exceeding ten persons, eighty acres; and to each family over ten in number, forty acres for each additional five members. And the President may provide such rules and regulations as will secure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home, and the improvements thereon; and he may at any time, at his discretion, after such person or family has made location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years, and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force until a State constitution, embracing such lands within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions. And if any such family shall at any time neglect or refuse to occupy or till a portion of the land assigned, and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, revoke the same; or, if not issued, cancel the assignment, and may also withhold from such person or family their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resume the pursuits of industry; and in default of their return, the tract may be declared abandoned and thereafter assigned to some other person or family of the Indians residing on the reserve.

Survey and allocation of the reserve.

No State legislature shall remove the restrictions herein provided for, without the consent of Congress.

Power of future States over restrictions limited. Blacksmith's shop, etc.

ARTICLE 6. The United States agree to erect for said Indians a good blacksmith-shop, furnish it with tools, and keep it in repair for ten years, and provide a competent blacksmith for the same period; to erect suitable buildings for a hospital, supply medicines, and provide an experienced physician for fifteen years; to provide a competent farmer to instruct the Indians in agriculture for ten years; and to erect a school-house, and provide books, stationery, and a properly qualified teacher for twenty years.

ARTICLE 7. The annuities of the Indians shall not be taken to pay the debts of individuals.

Annuities not to be taken for debt.

ARTICLE 8. The said confederated bands acknowledge their dependence on the Government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities. Nor will they make war on any other tribe except in self-defense, but will submit all matters of difference between them and other Indians to the Government of the United States or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in case of any depredations against citizens. Said Indians further engage

Submission and conduct of Indians.

Provision against
intemperance.

Roads, etc., may be
constructed.

Merchandise to be
part payment of an-
nuities.

to submit to, and observe all laws, rules, and regulations which may be prescribed by the United States for the government of said Indians.

ARTICLE 9. It is hereby provided, in order to prevent the evils of intemperance among said Indians, that any one of them who shall be guilty of bringing liquor into their reserve, or shall drink liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE 10. The said confederate bands agree, that all the necessary roads, highways, and railroads which may be constructed as the country improves, the lines of which may run through the reservation of said Indians, shall have the right of way therein, a just compensation being made therefor.

ARTICLE 11. The merchandise distributed to the members of the said confederate bands at the negotiation of this treaty shall be considered as in part payment of the annuities herein provided.

ARTICLE 12. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Joel Palmer, on the part of the United States as aforesaid, and the undersigned chiefs and heads of the said confederated bands of Umpquas and Calapooias, have hereunto set their hands and seals, at the place and on the day and year heretofore written.

Joel Palmer, superintendent.	[L. S.]
Na-pe-sa, or Louis, his x mark.	[L. S.]
Injice, or Peter, his x mark.	[L. S.]
Tas-yah, or General Jackson, his x mark.	[L. S.]
Bogus, his x mark.	[L. S.]
Nessick, his x mark.	[L. S.]
Et-na-ma, or William, his x mark.	[L. S.]
Cheen-len-ten, or George, his x mark.	[L. S.]
Nas-yah, or John, his x mark.	[L. S.]
Absaquil, or Chenook, his x mark.	[L. S.]
Jo, his x mark.	[L. S.]
Tom, his x mark.	[L. S.]

Executed in the presence of us—
Edward R. Geary, secretary.
Cris. Taylor.
John Flett, interpreter.

TREATY WITH THE CONFEDERATED OTO AND MISSOURI, 1854.

Dec. 9, 1854.
10 Stat., 1130.
11 Stat., 605.
Ratified, Feb. 28,
1855.
Proclaimed Apr. 10,
1855.

Article of agreement and convention made and concluded at Nebraska City, in the Territory of Nebraska, on the ninth day of December, one thousand eight hundred and fifty-four, between the United States of America, by George Hepner, United States' Indian agent, duly authorized thereto, and the chiefs and headmen of the confederate tribes of the Ottos and Missouria Indians, to be taken and considered as a supplement to the treaty made between the United States and said confederate tribes, on the fifteenth day of March, one thousand eight hundred and fifty-four.

Preamble.

Whereas, by the first article of the treaty in the caption mentioned, it is stipulated that the confederate tribes of the Ottos and Missouria Indians cede to the United States all their country west of the Missouri River, excepting a strip of land on the waters of the Big Blue River, ten miles in width, and bounded as follows: commencing at a point in the middle of the main branch of the Big Blue River, in a west or southwest direction from old Fort Kearney, at a place called

by the Indians the "Islands;" thence west to the western boundary of the country hereby ceded; thence in a northerly course with said western boundary ten miles; thence east to a point due north of the starting point, and ten miles therefrom; thence to the place of beginning.

And whereas, upon exploration of said reservation by the said confederate tribes, it was found that they had been mistaken as to the location thereof, much the larger portion, or nearly the entirety of it, being to the west of the Big Blue River, and without sufficiency of timber, and they being dissatisfied therewith, and the United States being desirous of removing all cause of complaint, this article is entered into.

ARTICLE. It is agreed and stipulated, between the United States and the said confederate tribes of Ottoe and Missouri Indians, that the initial point of their reservation, in lieu of that stated in the treaty, in the caption hereof mentioned, shall be a point five miles due east thereof, thence west twenty-five miles; thence north ten miles, thence east to a point due north of the starting point and ten miles therefrom, thence to the place of beginning; and the country embraced within said boundaries shall be taken and considered as the reservation and home of said confederate tribes, in lieu of that provided for them and described in the first article of said treaty.

In witness whereof the said George Hepner and the undersigned chiefs and head men of the said Confederate tribes of Ottoes and Missourias, have hereunto set their hands and seals, at the place and on the day and year above written.

George Hepner, [SEAL.]

United States Indian agent.

Hick Kapoo, his x mark. [SEAL.]

Bil Soldier, his x mark. [SEAL.]

Chi-an-a-ka, or Buffalo Chief, his x mark. [SEAL.]

Missouri Chief, his x mark. [SEAL.]

White Water, his x mark. [SEAL.]

Executed in the presence of—

Lewis Bernard, his x mark,

U. S. interpreter.

H. P. Downs.

John Baulware.

TREATY WITH THE NISQUALLI, PUYALLUP, ETC., 1854.

Articles of agreement and convention made and concluded on the Shenah-nam, or Medicine Creek, in the Territory of Washington, this twenty-sixth day of December, in the year one thousand eight hundred and fifty-four, by Isaac I. Stevens, governor and superintendent of Indian affairs of the said Territory, on the part of the United States, and the undersigned chiefs, head-men, and delegates of the Nisqually, Puyallup, Steilacoom, Squawskin, S'Homamish, Stehchassa, T'Peeksin, Squi-aith, and Sa-heh-wamish tribes and bands of Indians, occupying the lands lying round the head of Puget's Sound and the adjacent inlets, who, for the purpose of this treaty, are to be regarded as one nation, on behalf of said tribes and bands, and duly authorized by them.

Dec. 26, 1854.

10 STAT., 1132.
Ratified Mar. 8, 1855.
Proclaimed Apr. 10,
1855.

ARTICLE 1. The said tribes and bands of Indians hereby cede, relinquish, and convey to the United States, all their right, title, and interest in and to the lands and country occupied by them, bounded and described as follows, to wit: Commencing at the point on the eastern side of Admiralty Inlet, known as Point Pully, about midway between Commencement and Elliott Bays; thence running in a south-

Cession to United States.

easterly direction, following the divide between the waters of the Puyallup and Dwamish, or White Rivers, to the summit of the Cascade Mountains; thence southerly, along the summit of said range, to a point opposite the main source of the Skookum Chuck Creek; thence to and down said creek, to the coal mine; thence northwesterly, to the summit of the Black Hills; thence northerly, to the upper forks of the Satsop River; thence northeasterly, through the portage known as Wilkes's Portage, to Point Southworth, on the western side of Admiralty Inlet; thence around the foot of Vashon's Island, easterly and southeasterly, to the place of beginning.

Reservation for said tribes.

ARTICLE 2. There is, however, reserved for the present use and occupation of the said tribes and bands, the following tracts of land, viz: The small island called Klah-che-min, situated opposite the mouths of Hammersley's and Totten's Inlets, and separated from Hartstene Island by Peale's Passage, containing about two sections of land by estimation; a square tract containing two sections, or twelve hundred and eighty acres, on Puget's Sound, near the mouth of the She-nah-nam Creek, one mile west of the meridian line of the United States land survey, and a square tract containing two sections, or twelve hundred and eighty acres, lying on the south side of Commencement Bay; all which tracts shall be set apart, and, so far as necessary, surveyed and marked out for their exclusive use; nor shall any white man be permitted to reside upon the same without permission of the tribe and the superintendent or agent. And the said tribes and bands agree to remove to and settle upon the same within one year after the ratification of this treaty, or sooner if the means are furnished them. In the mean time, it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied, if with the permission of the owner or claimant. If necessary for the public convenience, roads may be run through their reserves, and, on the other hand, the right of way with free access from the same to the nearest public highway is secured to them.

Removal thereto.

Roads to be constructed.

Rights to fish.

ARTICLE 3. The right of taking fish, at all usual and accustomed grounds and stations, is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses on open and unclaimed lands: *Provided, however,* That they shall not take shell-fish from any beds staked or cultivated by citizens, and that they shall alter all stallions not intended for breeding-horses, and shall keep up and confine the latter.

Payments for said reservation.

ARTICLE 4. In consideration of the above session, the United States agree to pay to the said tribes and bands the sum of thirty-two thousand five hundred dollars, in the following manner, that is to say: For the first year after the ratification hereof, three thousand two hundred and fifty dollars; for the next two years, three thousand dollars each year; for the next three years, two thousand dollars each year; for the next four years fifteen hundred dollars each year; for the next five years twelve hundred dollars each year; and for the next five years one thousand dollars each year; all which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of said Indians in respect thereto.

How applied.

Expenses of removal.

ARTICLE 5. To enable the said Indians to remove to and settle upon their aforesaid reservations, and to clear, fence, and break up a sufficient quantity of land for cultivation, the United States further agree

to pay the sum of three thousand two hundred and fifty dollars, to be laid out and expended under the direction of the President, and in such manner as he shall approve.

ARTICLE 6. The President may hereafter, when in his opinion the interests of the Territory may require, and the welfare of the said Indians be promoted, remove them from either or all of said reservations to such other suitable place or places within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of their removal, or may consolidate them with other friendly tribes or bands. And he may further, at his discretion, cause the whole or any portion of the lands hereby reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable. Any substantial improvements heretofore made by any Indian, and which he shall be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President, and payment be made accordingly therefor.

Removal from said reservation.

Ante, p. 612.

ARTICLE 7. The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

Annuities not to be taken for debt.

ARTICLE 8. The aforesaid tribes and bands acknowledge their dependence on the Government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians to the Government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the Territory, the same rule shall prevail as that prescribed in this article, in cases of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

Stipulations respecting conduct of Indians.

ARTICLE 9. The above tribes and bands are desirous to exclude from their reservations the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided, that any Indian belonging to said tribes, who is guilty of bringing liquor into said reservations, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

Intemperance.

ARTICLE 10. The United States further agree to establish at the general agency for the district of Puget's Sound, within one year from the ratification hereof, and to support, for a period of twenty years, an agricultural and industrial school, to be free to children of the said tribes and bands, in common with those of the other tribes of said district, and to provide the said school with a suitable instructor or instructors, and also to provide a smithy and carpenter's shop, and furnish them with the necessary tools, and employ a blacksmith, carpenter, and farmer, for the term of twenty years, to instruct the Indians in their respective occupations. And the United States further agree to employ a physician to reside at the said central agency, who shall furnish medicine and advice to their sick, and shall vaccinate them; the expenses of the said school, shops, employées, and medical attendance, to be defrayed by the United States, and not deducted from the annuities.

Schools, shops, etc.

Slaves to be freed.

Trade out of the limits of the United States forbidden.

Foreign Indians not to reside on reservation.

Treaty, when to take effect.

ARTICLE 11. The said tribes and bands agree to free all slaves now held by them, and not to purchase or acquire others hereafter.

ARTICLE 12. The said tribes and bands finally agree not to trade at Vancouver's Island, or elsewhere out of the dominions of the United States; nor shall foreign Indians be permitted to reside in their reservations without consent of the superintendent or agent.

ARTICLE 13. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian Affairs, and the undersigned chiefs, headmen, and delegates of the aforesaid tribes and bands, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

Isaac I. Stevens, [L. s.]

Governor and Superintendent Territory of Washington.

Qui-ce-metl, his x mark.	[L. s.]	Klo-out, his x mark.	[L. s.]
Sno-ho-dumset, his x mark.	[L. s.]	Se-uch-ka-nam, his x mark.	[L. s.]
Lesh-high, his x mark.	[L. s.]	Ske-mah-han, his x mark.	[L. s.]
Slip-o-elm, his x mark.	[L. s.]	Wute-un-a-pum, his x mark.	[L. s.]
Kwi-ata, his x mark.	[L. s.]	Quuts-a-tadm, his x mark.	[L. s.]
Stee-high, his x mark.	[L. s.]	Quut-a-beh-mtsn, his x mark.	[L. s.]
Di-a-keh, his x mark.	[L. s.]	Yah-leh-chn, his x mark.	[L. s.]
Hi-ten, his x mark.	[L. s.]	To-lahl-kut, his x mark.	[L. s.]
Squa-ta-hun, his x mark.	[L. s.]	Yul-lout, his x mark.	[L. s.]
Kahk-tee-min, his x mark.	[L. s.]	See-abts-oot-soot, his x mark.	[L. s.]
Sonnan-o-yutl, his x mark.	[L. s.]	Ye-takho, his x mark.	[L. s.]
Kl-tehp, his x mark.	[L. s.]	We-po-it-ee, his x mark.	[L. s.]
Sahl-ko-min, his x mark.	[L. s.]	Kah-eld, his x mark.	[L. s.]
T'bet-ste-heh-bit, his x mark.	[L. s.]	Le'h-hom-kan, his x mark.	[L. s.]
Tcha-hooc-tan, his x mark.	[L. s.]	Pah-how-at-ish, his x mark.	[L. s.]
Ke-cha-hat, his x mark.	[L. s.]	Swe-yehm, his x mark.	[L. s.]
Spee-peh, his x mark.	[L. s.]	Sah-hwill, his x mark.	[L. s.]
Swe-yah-tum, his x mark.	[L. s.]	Se-kwaht, his x mark.	[L. s.]
Cha-acheh, his x mark.	[L. s.]	Kah-hum-klt, his x mark.	[L. s.]
Pich-kehd, his x mark.	[L. s.]	Yah-kwo-bah, his x mark.	[L. s.]
S'Klah-o-sum, his x mark.	[L. s.]	Wut-sah-le-wun, his x mark.	[L. s.]
Sah-le-tatl, his x mark.	[L. s.]	Sah-ba-hat, his x mark.	[L. s.]
See-lup, his x mark.	[L. s.]	Tel-e-kish, his x mark.	[L. s.]
E-la-kah-ka, his x mark.	[L. s.]	Swe-keh-nam, his x mark.	[L. s.]
Slug-yeh, his x mark.	[L. s.]	Sit-oo-ah, his x mark.	[L. s.]
Hi-nuk, his x mark.	[L. s.]	Ko-quel-a-cut, his x mark.	[L. s.]
Ma-mo-nish, his x mark.	[L. s.]	Jack, his x mark.	[L. s.]
Cheels, his x mark.	[L. s.]	Keh-kise-bel-lo, his x mark.	[L. s.]
Knutcanu, his x mark.	[L. s.]	Go-yeh-hn, his x mark.	[L. s.]
Bats-ta-kobe, his x mark.	[L. s.]	Sah-puteh, his x mark.	[L. s.]
Win-ne-ya, his x mark.	[L. s.]	William, his x mark.	[L. s.]

Executed in the presence of us—

M. T. Simmons, Indian agent.
James Doty, secretary of the commission.
C. H. Mason, secretary Washington Territory.
W. A. Slaughter, first lieutenant, Fourth Infantry.
James McAlister,
E. Giddings, jr.
George Shazer,
Henry D. Cock,

S. S. Ford, jr.,
John W. McAlister,
Clovington Cushman,
Peter Anderson,
Samuel Klady,
W. H. Pullen,
P. O. Hough,
E. R. Tyerall,
George Gibbs,
Benj. F. Shaw, interpreter,
Hazard Stevens.

Convention between Great Britain
and Tuscany for the Reciprocal Opening
of the Coasting Trade,
signed at Florence, 30 December 1854

THIS Convention, which was terminated on 29 October 1863 by the Treaty between Great Britain and Italy of 8 August 1863, is taken here from *British and Foreign State Papers*, vol. XLIV, p. 79, being printed also in *Parliamentary Papers, 1854-5*, vol. LV, p. 297, and *Hertslet's Commercial Treaties*, vol. IX, p. 964.

ENGLISH/ITALIAN TEXTS

[Ratifications exchanged at Florence, February 6, 1855.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Imperial and Royal Highness the Grand Duke of Tuscany, being desirous of extending further the principle of reciprocity

SUA Maestà la Regina del Regno Unito della Gran Bretagna e d'Irlanda, e Sua Altezza Imperiale e Reale il Granduca di Toscana, desiderando di estendere viemagiormente il principio di reciprocità che, rispetto al trattamento

which was laid down with respect to the treatment of the ships of the 2 countries in the Treaty of Commerce and Navigation between Her Britannic Majesty and His Imperial and Royal Highness the Grand Duke of Tuscany, which was signed at Florence, on the 5th of April, 1847, have appointed as their Plenipotentiaries to conclude a Convention for that purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Henry Lytton Bulwer, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Imperial and Royal Highness the Grand Duke of Tuscany;

And His Imperial and Royal Highness the Grand Duke of Tuscany, Don Andrew of the Princes Corsini, Duke of Casigliano, Knight of the distinguished Military Order of St. Stephen, Pope and Martyr; Grand Cross of the Imperial Austrian Order of Leopold; Grand Cross of the Royal Order of St. Januarius of Naples; Grand Cross decorated with the Grand Ribbon of the Holy Military Order of St. Maurice and St. Lazarus of Sardinia; Grand Cross of the Royal and distinguished Spanish Order of Charles III, of the Pontifical Order of St. Gregory the Great,

dei bastimenti dei due paesi, fu consegnato nel Trattato di Commercio e Navigazione fra la Maestà Sua e Sua Altezza Imperiale e Reale, firmato in Firenze il 5 Aprile, 1847, hanno nominato a loro Plenipotenziarj onde concludere una Convenzione per tale oggetto:

Sua Maestà la Regina del Regno Unito della Gran Bretagna e d'Irlanda, l'Onorevolissimo Sir Enrico Lytton Bulwer, Membro del Consiglio Privato di Sua Maestà, Cavaliere GranCroce dell' Onorevolissimo Ordine del Bagno, Inviato Straordinario e Ministro Plenipotenziario della Maestà Sua presso Sua Altezza Imperiale e Reale il Granduca di Toscana;

E Sua Altezza Imperiale e Reale il Granduca di Toscana, Don Andrea dei Principi Corsini, Duca di Casigliano, Cavaliere dell' insigne Ordine Militare di Santo Stefano Papa e Martire; GranCroce dell' Ordine Imperiale Austriaco di Leopoldo; Gran Cordone di quello Reale di San Gennaro di Napoli; GranCroce decorato del Gran Cordone del Sacro Militare Ordine dei Santi Maurizio e Lazzaro di Sardegna; GranCroce del Reale e distinto Ordine Spagnuolo di Carlo III; di quello pontificio di San Gregorio Magno, e dell' altro Imperiale Francese della Legione

and of the Imperial French Order of the Legion of Honour; Knight of the Pontifical Order of Christ; Grand Cross of the Parmese Order of St. Ludovic; Chamberlain and Minister Secretary of State for Foreign Affairs of His aforesaid Imperial and Royal Highness;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed to the following Articles:

ART. I. The subjects and ships of each of the High Contracting Parties (Her Majesty the Queen of Great Britain and Ireland, and His Imperial and Royal Highness the Grand Duke of Tuscany) shall enjoy, in the dominions and territories of the other, the same rights with respect to the coasting trade, and shall be treated in every case with regard to that trade in the same manner as native subjects and national vessels.

II. Furthermore, the Ionian Islands being under the protection of Her Britannic Majesty, the subjects and vessels of those islands shall enjoy, in the Tuscan dominions, all the advantages which are granted by the present Treaty to the subjects and vessels of Great Britain, as soon as the Government of the Ionian Islands shall have agreed to grant the same reciprocal advantages in those islands to the subjects and vessels of His Imperial and Royal Highness the Grand Duke of Tuscany; it being understood that to prevent abuses, every

d'Onore; Cavaliere dell' Ordine Pontificio di Cristo; Granroce dell' altro Parmense di San Lodovico; Ciamberrano e Ministro Segretario di Stato per gli Affari esteri della prefata Imperiale e Reale Altezza Sua;

I quali, dopo di esseri scambievolmente comunicati i rispettivi loro pienipoteri, trovati in buona e debita forma, sono convenuti negli Articoli seguenti:

ART. I. I sudditi e bastimenti di ciascheduna delle Alte Parti Contraenti (Sua Maestà le Regina della Gran Brettagna e d'Irlanda, e Sua Altezza Imperiale e Reale il Granduca di Toscana) godranno nei dominj e territorj dell' altra, rispetto al commercio di cabotaggio, gli stessi diritti dei sudditi e dei bastimenti nazionali, e saranno in ogni occasione relativa a tal commercio, trattati nella medesima guisa.

II. Oltre a ciò, essendo le Isole Ionie sotto la protezione di Sua Maestà Britannica, i sudditi e bastimenti di quelle Isole godranno, nei dominj Toscani, di tutti i vantaggi che sono accordati dal presente Trattato ai sudditi e bastimenti della Gran Brettagna, tosto chè il Governo delle Isole Ionie avrà dal canto suo acconsentito ad accordare gli stessi reciproci vantaggi nelle Isole medesime, ai sudditi e bastimenti di Sua Altezza Imperiale e Reale il Granduca; bene inteso che a prevenire ogni abuso, ciascun bastimento Ionio che voglia

Ionian vessel claiming the benefits of the present Treaty, shall be furnished with the Patent, signed by the Lord High Commissioner or by his Representative, which is required by Article V of the Treaty of April 5, 1847, before alluded to.

III. The present Convention shall be considered as additional to the Treaty of April 5, 1847, referred to in the Preamble of the present Convention, and shall have the same duration as that Treaty.

It shall be ratified, and the ratifications shall be exchanged at Florence as soon as may be within the space of 2 months from the date of its signature.

In witness whereof the respective Plenipotentiaries have signed the present Treaty in 2 originals, and have affixed thereto the seals of their arms.

Done at Florence, the 30th day of December, in the year of our Lord 1854.

(L.S.) H. L. BULWER.
(L.S.) DUCA DI CASIG-
LIANO.

profittare dei benefizj del presente Trattato, dovrà esser munito della Patente firmata dal Lord Alto Commissario o dal suo Rappresentante, la quale è richiesta dall' Articolo V dell Trattato del 5 Aprile, 1847, di sopra citato.

III. Il presente Convenzione dovrà considerarsi come un' aggiunta al Trattato del 5 Aprile, 1847, cui allude il Preambolo della Convenzione medesima, ed avere la stessa durata di esso.

Dovrà poi ratificarsi, e le ratifiche dovranno esserne cambiate in Firenze più presto che sarà possibile entro lo spazio di due mesi dal dì della sua sottoscrizione.

In fede di che hanno i Plenipotenziarj rispettivi sottoscritto il presente Trattato in doppio originale, e vi hanno apposto il sigillo delle loro armi.

Dato in Firenze, questo dì 30 del mese di Dicembre, dell' anno di Grazia 1854.

(L.S.) DUCA DI CASIG-
LIANO.
(L.S.) H. L. BULWER.

Arrangement between Belgium and the
Zollverein respecting the Registration of
Commercial Travellers,
signed at Berlin, 2 January 1855

THIS instrument concluded between Belgium and the States of the Zollverein other than Hanover is reproduced here from Garcia de la Vega, *Traités etc. concernant le Royaume de Belgique*, vol. III, p. 38. It was replaced by the Treaty of 6 December 1891 (Article 3).

FRENCH TEXT

Les dispositions arrêtées au protocole du 27 juin 1843, en exécution de l'article 16, second alinéa, du traité de commerce et de navigation conclu entre la Belgique et le Zollverein, le 1^{er} septembre 1844, ayant cessé leur effet avant l'expiration dudit traité, et la Belgique ayant fait la proposition de renouveler ces dispositions en y apportant les modifications résultant de la législation actuelle, proposition acceptée par les autres Etats signataires du traité du 1^{er} septembre 1844, ainsi que par le grand duché d'Oldenbourg, les soussignés sont convenus de l'arrangement suivant qui sera mis en vigueur à partir du 1^{er} janvier 1855.

§ 1. — Les fabricants et les marchands de l'un des Etats du Zollverein nommé ci-après : la Prusse et les pays et parties de pays souverains compris dans son système de douanes et d'impôts, savoir : le Luxembourg, les enclaves Mecklembourgeoises : Rossow, Netzeband et Schönberg, le Anhalt-Dessau-Kœthen, le Anhalt-Bernbourg, le Waldeck et Pyrmont, le Lippe et le Meisenheim, la Bavière, la Saxe, le Wurtemberg, le Bade, la Hesse Electorale, la Hesse Grand-Ducale, y compris le bailliage de Hombourg, les Etats formant l'association de douane et de commerce de Thuringe, savoir : la Saxe Grand-Ducale, la Saxe-Meiningen, la Saxe-Altenbourg, la Saxe-Cobourg et Gotha, le Schwarzbourg-Rudolstadt et le Schwarzbourg-Sondershausen, le Reuss-Greiz et le Reuss-Schleitz, le Brunswick, l'Oldenbourg, le Nassau et la ville libre de Francfort, ainsi que les commis-voyageurs de ces fabricants ou marchands dûment patentés en l'une de ces qualités, dans l'Etat auquel ils appartiennent ou qui ont remis à l'autorité compétente la déclaration requise pour obtenir patente, pourront.

1^o Faire des achats en Belgique pour les besoins de leur industrie;

2^o Y recueillir des commandes avec ou sans échantillons, mais sans colporter des marchandises.

Il y aura réciprocité pour les fabricants, marchands ou commis-voyageurs belges dans les Etats du Zollverein nommés ci-dessus.

§ 2. — La preuve que l'on a acquis le droit d'exercer l'une ou l'autre des professions indiquées ci-dessus sera faite,

En ce qui concerne les sujets belges par l'exhibition d'un certificat de patente valable pour l'année courante, conforme au modèle n° 1 ci-joint.

En ce qui concerne les sujets des Etats du Zollverein, par l'exhibition d'un acte de légitimation valable pour l'année courante, et d'après le modèle ci-joint : sous la lettre A pour les fabricants ou les marchands; sous la lettre B pour les commis-voyageurs.

§ 3. — Les documents dont parle le § 2 ci-dessus, présenteront le signalement et la signature du porteur, et seront revêtus du sceau et du cachet de l'autorité compétente qui les a délivrés.

§ 4. — Sur l'exhibition d'un document valable pour l'année courante, délivré dans la forme indiquée ci-dessus, les sujets de l'un Etat y exerçant une ou plusieurs des professions mentionnées au § 1^{er}, alinéa 1^{er}, qui voudront se livrer aux opérations commerciales spécifiées aux numéros 1 et 2 du même §, dans l'autre Etat, y obtiendront de l'autorité compétente, après que leur identité aura été reconnue, savoir :

En Belgique, une patente modèle n° 2.

Dans les Etats du Zollverein une patente, modèle littera C.

Les sujets belges exerçant les dites professions seront tenus de lever la patente, modèle li. t. C, dans chacun des Etats du Zollverein qu'ils parcourront pour leur commerce, sans être, de ce chef, assujettis à aucune formalité autre que celles qui sont imposées maintenant aux sujets des Etats du Zollverein, voyageant pour leur commerce dans les divers Etats de l'Association.

§ 5. — Il sera perçu, pour la patente mentionnée au § 4, savoir :

En Belgique, un droit de vingt francs par année au maximum, additionnels compris;

Dans chacun desdits Etats du Zollverein, un droit de 5 rthlr. 10 sgr. par année au maximum, additionnels compris.

Il est bien entendu que, dans le cas où le droit légal de patente pour les sujets belges serait de moins de 5 rthlr. 10 sgr. dans l'un ou l'autre desdits Etats du Zollverein, ce droit ne sera point augmenté.

§ 6. — Les porteurs d'une patente délivrée conformément au § 4 précédent, devront la présenter aux fonctionnaires ou employés compétents, chaque fois qu'ils en seront requis.

§ 7. — Le présent arrangement pourra en tout temps être révoqué de part ou d'autre.

Fait à Berlin, en double expédition, en français et en allemand, le
2 janvier 1855.

NOTHOMB.

MANTEUFFEL.

N° 1.

ROYAUME DE BELGIQUE.

Province de . . .

Commune de . . .

Certificat de patente valable pour l'année mil huit cent . . .

Le receveur des contributions directes. . . . au bureau de . . . ,
certifie que le sieur N. . . . , demeurant à est imposé sous
le n° . . . au rôle des patentes de la commune de ou a fait
sa déclaration de patentes (1) aux fins de pouvoir exercer pendant l'an-
née courante la profession de en son nom propre ou sous
la raison sociale (1). . . .

Le présent certificat a été délivré au dit sieur N..... pour obtenir la
patente nécessaire dans les Etats du Zollverein (2), ensuite des mesures
arrêtées de commun accord au protocole du 2 janvier 1855.

Fait à , le . . . 18 . .

(Sceau.)

Le Receveur,

Signalement et signature du patenté :

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N° 2.

ROYAUME DE BELGIQUE.

Province de . . .

Commune de . . .

**Patente valable pour l'année mil huit cent . . . , délivrée ensuite des me-
sures arrêtées de commun accord au protocole du 2 janvier 1855.**

L'administration communale de , vu l'acte de légitimation pro-
duit par le sieur N. . . , demeurant à , lequel lui a été délivré

(1) Biffer, selon le cas, l'une des deux formules.

(2) Le Hanovre excepté.

par l'autorité compétente à (Etat du Zollverein), le . . . dernier, constatant que ledit sieur y est patenté comme exerçant la profession de...;

Vu en outre le récépissé, délivré en date du, n° . . ., par le receveur du bureau de, constatant que ledit sieur N. . . a acquitté 20 francs comme droit de patente fixé par le protocole du 2 janvier 1855;

Délivre audit sieur N. . . la présente patente pour l'autoriser à se livrer, en Belgique, aux achats, ainsi qu'à la vente sur échantillons ou sur commande des marchandises de son commerce ou industrie, mentionné ci-dessus.

Le porteur de la présente patente ne pourra toutefois colporter avec lui que des échantillons et nullement des marchandises, celles-ci devant être transportées à leur destination par l'entremise d'un tiers.

Il lui est également interdit de prendre des commissions autres que pour son propre compte, ou, suivant le cas, pour la maison de commerce qu'il représente.

Fait à, le . . . 18

(Sceau).

Le bourgmestre,

Signalement et signature du patenté :

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FORMULAR A.

Dem N . . ., welcher als Kaufmann (oder Fabricant) in N . . . wohnhaft (ansässig) ist; wird hierdurch Behufs seiner Gewerbe-Legitimation bei den einschlägigen Behörden des Königreichs Belgien bescheinigt, dass er für sein vorgedachtes Gewerbe, im hiesigen Lande, die gesetzlich bestehenden Steuern zu entrichten hat.

Dies Zeugnis ist gültig auf . . . Monat. Ort . . .

Datum, Firma der Behörde,

Und Unterschrift des Reisenden.

FORMULAR B.

Dem N . . ., welcher als Handlungs-commis in diensten des zu N . . . etablirten Handelshauses (oder der Fabrick) des Herrn N . . . steht, wird hierdurch, behufs seiner Gewerbe-Legitimation bei den einschlägi-

gen Behörden des Königreichs Belgien bescheinigt, dass das ebengedachte Handelshaus (die ebengedachte Fabrick-Anstalt) für seinen (ihren) Gewerbebetrieb in hiesigen Landen gesetzlich bestehenden Steuern zu entrichten hat. Dies Zeugniss ist gültig auf... Monat...

Personal-Beschreibung und UnTERSCHRIFT des Reisenden.

FORMULAR. C.

Dem Herrn N . . . , Fabrick-Inhaber zu N . . . (oder Handels-Reisenden in diensten des N . . . zu N . . .), wird hierdurch, auf den Grund des beigebrachten, von der Belgischen Behörde . . . angefertigten Gewerbe-Legitimation-Zeugnisses, die Befugniss ertheilt: in den (Königlich Preussischen) Landen für das von ihm (seinem obengedachten Principal) betriebene Geschäft, Waarenbestellungen Aufzusuchen und Waarenankäufe zu machen.

Derselbe darf jedoch von den Waaren, aus welcher Bestellung suchen will, nur Proben, angekaufte Waaren aber darf er gar nicht mit sich herumführen, letztere muss er vielmehr frachtweise an ihren Bestimmungs-Ort befördern lassen. Nicht minder ist ihm verboten, Commissionen für andere als seine eigene (seines vorgedachten Principals) Rechnung aufzusuchen.

Gegenwärtige Ermächtigung ist gültig auf die Dauer von. Monaten, also bis zum. . .

Ort, Datum, Firma der Behörde.

*Personal-Beschreibung und
Unterschrift des Reisenden.*

Convention of Peace and Friendship between
France and Tonga,
signed at Tonga-Tabou, 9 January 1855

THIS Convention is reproduced from De Clercq, *Recueil des Traités de la France*, vol. VI, p. 488.

FRENCH TEXT

ART. 1^{er}. Il y aura paix et amitié perpétuelle entre le Tupou, Roi des îles Tonga, et S. M. l'Empereur Napoléon III, Empereur des Français.

ART. 2. La religion catholique est déclarée libre dans toutes les îles soumises au roi des îles Tonga. Les membres de cette Communauté y jouiront de tous les privilèges accordés aux protestants.

ART. 3. Tous les indigènes des îles Tonga exilés ou dépouillés de leurs biens pour cause de religion, seront libres de rentrer dans leurs foyers, leurs biens leur seront rendus et ils pourront exercer leur culte en toute liberté.

ART. 4. Les Français, quelle que soit leur profession, établis dans les îles Tonga ou qui viendront s'y fixer, seront protégés d'une manière efficace par le Tupou dans leur personne et leurs propriétés.

ART. 5. Cette protection s'étendra aux navires et à leurs équipages; l'assistance des pilotes ne leur sera jamais refusée et, en cas de naufrage, les chefs et les habitants desdites îles leur porteront secours et les garantiront du pillage. Des indemnités de sauvetage seront réglées à l'amiable, et, en cas de difficulté, par des arbitres choisis par les deux parties.

ART. 6. Les navires français ne seront, en aucun cas, assujétis à des droits d'ancrage et de pilotage ou tous autres droits plus élevés que ceux des autres nations.

ART. 7. Les sujets du Tupou auront droit, dans toutes les possessions françaises, aux avantages accordés aux Français aux îles Tonga.

ART. 8. La présente Convention sera communiquée aux chefs et au peuple des îles Tonga et publiée dans toutes les îles.

Fait en quadruple expédition et rédigé à Tonga-Tabou, dans les deux langues, par les contractants.

E. DU BOUZET, Chef de division,
Gouverneur des établissements
français de l'Océanie.

JIOAJI TUBOU.

Convention between Brazil and Portugal for
the Repression of Counterfeiting etc.,
signed at Lisbon, 12 January 1855

THIS text is taken from Borges de Castro, *Collecção dos Tratados, Convenções etc. de Portugal*, vol. VIII, p. 58. It is printed also by Pinto, *Apontamentos para O Direito Internacional etc. pelo Brasil*, vol. III, p. 482. The text reproduced includes the explanatory Declarations made on the exchange of ratifications.

PORTUGUESE TEXT

Suas Magestades El-Rei, Regente de Portugal e dos Algarves, em Nome do Rei, e o Imperador do Brazil, attentando nos males incalculaveis que resultam da falsificação da moeda e papeis de credito, com curso legal em cada um dos dois Paizes, quando praticada no territorio do outro, e fóra consequentemente da acção repressiva da legislação nacional; e reconhecendo outrosim a necessidade indeclinavel de acautelar, por meio de necessario accordo, a reproducção e frequencia de tão graves crimes, os quaes, pelos seus effeitos perniciosos e geraes, prejudicam em commum a fortuna publica e privada dos dois Estados, cujas relações commerciaes e interesses mutuos, assim expostos a funestos damnos, reclamam com instancia a applicação de medidas urgentes e efficazes, que afiancem reciprocamente a effectiva repressão de taes attentados, e assim tambem a segura punição de seus auctores e cúmplices: por todos estes motivos resolveram celebrar uma Convenção especial, e para este fim nomearam Seus Plenipotenciarios, a saber:

Sua Magestade El-Rei, Regente de Portugal, ao Sr. Antonio Aluizio Jervis d'Atouguia, Visconde d'Athoguia, Par do Reino, Commendador da antiga e muito nobre Ordem da Torre e Espada do Valor, Lealdade e Merito, e da de Nossa Senhora da Conceição de Villa Viçosa, Gram-Cruz

da Ordem da Legião de Honra de França, de S. Mauricio e S. Lazaro de Sardenha, e de Leopoldo da Belgica, Comendador da Ordem Militar de S. Fernando de Hespanha, Ministro e Secretario d'Estado dos Negocios Estrangeiros, e dos da Marinha e Ultramar, etc., etc.

E Sua Magestade o Imperador do Brazil, ao Doutor Antonio Peregrino Maciel Monteiro, do Seu Conselho, Official da Ordem Imperial do Cruzeiro, Gram-Cruz da de Christo de Portugal, e Seu Enviado Extraordinario e Ministro Plenipotenciario junto de Sua Magestade Fidelissima.

Os quaes, tendo trocado os seus plenos poderes, que foram achados em boa e devida fórma, concordaram nos Artigos seguintes:

ART. I.

Todo aquelle que commetter em territorio Portuguez alguns dos crimes declarados no Capitulo 6.º, Secção 1.ª, Artigos CCVI, CCVII, CCVIII, CCIX, CCX e CCXI, (1) do Cô-

(1) Eis-aqui o texto dos seis Artigos a que se allude:

ART. CCVI.

Aquelle que falsificar moeda, fabricando com falso peso ou falso toque alguma peça de moeda de ouro ou prata da fórma d'aquellas que têm curso legal no Reino, e a passar usando d'ella por qualquer maneira, ou a expozér á venda; e bem assim aquelle que por concerto com o fabricador, ou sendo seu cumplice, praticar qualquer d'estes actos, ou n'elles tiver parte, será condemnado a trabalhos publicos por toda a vida

§ unico. Se houver sómente a fabricação, a pena será de trabalhos publicos temporarios.

Art. xxxiii e ref.

ART. CCVII.

Aquelle que, sem concerto com o fabricador e sem que seja seu cumplice, passar a dita moeda falsificada ou a expozér á venda, será condemnado na pena de trabalhos publicos temporarios.

Art. xxxiii e ref.

ART. CCVIII.

A pena de trabalhos publicos temporarios será imposta:

1.º Ao que sem auctorisação legal fabricar e passar ou expozér á venda qualquer peça de moeda de ouro ou prata com o mesmo valor das legitimas;

2.º Ao que cercear ou por qualquer modo diminuir o valor de alguma das ditas peças legitimas, e passar ou expozér á venda a moeda assim falsificada;

3.º Ao que, por concerto ou cumplicidade com o falsificador, praticar algum dos actos declarados n'este Artigo ou n'elles tiver parte.

§ 1.º Se a moeda assim falsificada não foi exposta á venda nem chegou a passar-se, a pena será a prisão correccional de um até tres annos.

§ 2.º O que passar a dita moeda falsificada por qualquer dos modos declarados n'este Artigo, ou a expozér á venda, não se concertando nem

digo Penal Portuguez, promulgado por Decreto de 10 de Dezembro de 1852, falsificando moeda metallica que tenha curso legal no Imperio do Brazil, passando ou introduzindo moeda assim falsificada, ou expondo-a á venda, será punido segundo as regras e com as penas estabelecidas para taes crimes nos referidos Artigos relativos á falsificação de moeda metallica Portugueza.

ART. II. (1)

As penas impostas no Artigo ccxv, (2) do mesmo Codigo Penal ao que falsificar qualquer Titulo ao portador auctorisado por Lei, e ao que fizer uso d'esse Titulo falsificado, ou o introduzir no territorio Portuguez, são extensivas aos

sendo cúmplice com o falsificador, será condemnado ao maximo da prisão correccional e ao maximo da multa.

Art. xxxii e ref.; xxxviii, xli e ref.

ART. CCIX.

Se em qualquer dos casos declarados nos Artigos antecedentes o passador teve conhecimento da falsidade só depois de ter recebido a moeda como verdadeira, a pena será a da multa conforme a sua renda, de quinze dias a um anno, mas nunca inferior ao dobro do valor representado pelas peças de moeda falsa que passou.

ART. CCX.

As penas determinadas nos Artigos d'esta Secção para os passadores da moeda falsificada, se applicam aos que a introduzem no territorio Portuguez.

Art. xli, ccviii e seus §§.

ART. CCXI.

Nos diversos casos declarados nos Artigos antecedentes, se a moeda não for de ouro ou prata, mas de outro metal, terão logar nas penas as seguintes modificações:

1.º Se a pena decretada for a de trabalhos publicos por toda a vida, impor-se-ha a temporaria de trabalhos publicos.

2.º Se a pena for de trabalhos publicos temporarios, impor-se-ha a de prisão maior temporaria com trabalho.

3.º A prisão correccional será de tres mezes até um anno.º

4.º Se for o maximo da prisão correccional, impor-se-ha a de prisão de seis mezes até dois annos.

Art. xxxiii, xxxiv e xcix, Art. xxxviii e ref.

(1) Vide, na data de 13 de Outubro de 1855, as declarações dos respectivos Plenipotenciarios sobre a intelligencia d'este Artigo.

(2)

ART. CCXV.

Aquelle que falsificar qualquer titulo ao portador auctorisado por Lei, e bem assim o que fizer uso d'esse titulo falsificado ou o introduzir no territorio Portuguez, será condemnado a trabalhos publicos por toda a vida.

Art. xxxiii e ref.

falsificadores de Papel moeda, Notas do Banco, Bilhetes do Thesouro, ou quaesquer outros Titulos auctorisados por Lei Brasileira, e assim tambem aos introductores e passadores de taes Titulos assim falsificados.

ART. III.

Reciprocamente todo aquelle que no territorio do Brazil commetter a respeito da moeda que tenha curso legal em Portugal, ou deTitulo ao portador, auctorisados por Lei Portugueza, algum dos crimes enumerados nos Artigos antecedentes da presente Convenção, será punido segundo as regras e com as penas que as Leis do Imperio do Brazil estabelecem para a punição d'esses crimes, commettidos a respeito da moeda que tenha curso legal no Brazil, e dos Titulos de que trata o Artigo II d'esta mesma Convenção, auctorisados por Lei Brasileira.

ART. IV.

Se a Legislação Penal de qualquer dos dois Paizes for no futuro alterada em relação ás disposições dos precedentes Artigos, fica entendido que os crimes a que se referem as mesmas disposições serão punidos em cada um dos dois Paizes, segundo as regras e com as penas que então se acharem decretadas.

ART. V.

As duas Altas Partes Contratantes tomarão cada uma por si, ou a requisição dos Agentes Diplomaticos ou Consulares da outra, todas as medidas administrativas que forem necessarias para obstar a taes crimes, como se acham especificados nos seus respectivos Codigos, e bem assim para perseguir, fazer processar e punir os criminosos, quando tenha sido impossivel prevenir a perpetração dos mesmos crimes.

ART. VI.

Alem dos Agentes do Ministerio Publico, conforme se acha estabelecido na Legislação dos dois Paizes, são competentes para accusar os crimes acima especificados os Consules e Vice-Consules da nação, cuja moeda e papeis de credito forem falsificados no territorio da outra, e assim tambem seus procuradores legalmente constituídos.

ART. VII.

Sendo a intenção das duas Altas Partes Contratantes não dar nos seus respectivos territorios asylo aos réus dos crimes mencionados na presente Convenção, concordam na extradicação dos mesmos réus:

1.º Se o criminoso pertencer ao paiz cujo Governo fizer a reclamação;

2.º Se o criminoso for reclamado pelo Agente Diplomático do paiz em que tiver sido commettido o delicto.

ART. VIII.

A reclamação de que se trata deverá ser acompanhada da sentença condemnatoria, em original ou por copia autentica, ou de despacho de pronuncia, segundo as fórmulas prescriptas pela Legislação do Governo reclamante.

Poderá comtudo verificar-se a prisão do delinquente reclamado, independentemente da apresentação da sentença ou despacho de pronuncia, em virtude de uma ordem emanada da Auctoridade competente, expedida em conformidade da Legislação respectiva, com a designação dos factos imputados, das disposições penaes que lhes correspondam, e dos signaes pessoaes dos réus, a fim de facilitar-se a sua busca e captura.

Mas n'este caso a prisão ou detenção não poderá subsistir alem do tempo de oito mezes, dentro dos quaes, por parte do Governo reclamante, deverá ser apresentada a sentença condemnatoria, ou o despacho de pronuncia, para se effectuar a extradicação. Na falta de tal apresentação, será o réu posto em liberdade.

ART. IX.

Se o individuo, cuja entrega se reclamar, tiver commettido algum crime no paiz aonde se tiver refugiado, e por elle for processado, a sua extradicação só poderá ter logar depois de haver soffrido a pena, ou haver sido absolvido.

ART. X.

Todos os objectos apprehendidos ao réu na occasião da sua prisão, e que constituirem os instrumentos do crime, ou quaesquer outros que possam concorrer para a prova d'elle, serão remettidos ao Governo reclamante no acto da entrega do mesmo réu.

ART. XI.

Em nenhum caso terá logar a extradicação do delinquente quando, pela Legislação do paiz em que se asylar, houver prescripto a acção ou a pena imposta ao crime de que for accusado.

ART. XII.

O criminoso entregue em virtude d'esta Convenção não poderá ser julgado por nenhum crime anterior á extradicação, distincto do que a motivára, salvo se for da mesma natureza.

ART. XIII.

As despesas provenientes da captura, prisão e manutenção dos réus, cuja extradicação for effeituada, ficarão a cargo do paiz em que elles se houverem asylado; as despesas de transportes correrão por conta do Governo reclamante.

ART. XIV.

A presente Convenção será ratificada depois de ser approvada pelos respectivos Poderes Legislativos, e só será executoria dez dias depois da sua publicação na Folha official do Governo dos dois Paizes.

ART. XV.

A troca das ratificações terá logar n'esta Côrte depois da Sanção Legislativa nos dois Paizes, no praso de seis mezes, ou antes se for possível.

Em fé do que, nós, Plenipotenciarios de Sua Magestade El-Rei, Regente de Portugal e dos Algarves, e de Sua Magestade o Imperador do Brazil, assignámos a presente Convenção, e a sellámos com o sello das nossas armas.

Feita em Lisboa, aos 12 dias do mez de Janeiro de 1855.

Visconde d'Athoguia. Antonio Peregrino Maciel Monteiro.
(L. S.) (L. S.)

Declaração do Plenipotenciario Portuguez.

O abaixo assignado, Ministro e Secretario d'Estado dos Negocios Estrangeiros e dos da Marinha e Ultramar, ao proceder á troca das ratificações da Convenção celebrada entre Portugal e o Brazil, em 12 de Janeiro ultimo, para a repressão e punição do crime de falsificação de moeda e papeis de credito, com curso legal em cada um dos dois paizes, julga conveniente declarar a S. Ex.^a o Sr. Antonio Peregrino Maciel Monteiro, Enviado Extraordinario e Ministro Plenipotenciario de Sua Magestade o Imperador do Brazil, a fim de para o futuro se evitar qualquer inexacta interpretação do Artigo II da citada Convenção, que a disposição do mesmo Artigo, aonde se diz: «Quaesquer Titulos auctorisados por lei Brasileira» deve entender-se «*Titulos ao portador*», e que a criminalidade, de que trata o mesmo Artigo, respeita sómente aos falsificadores de taes Titulos.

Espera pois o abaixo assignado que S. Ex.^a o Sr. Antonio Peregrino Maciel Monteiro, convencido dos justos fundamentos que aconselham esta declaração, não deixará de responder-lhe que é essa a intelligencia que por parte do seu Governo se deve dar ao citado Artigo.

O abaixo assignado aproveita esta occasião para reiterar a S. Ex.^a os protestos da sua alta consideração.

Secretaria d'Estado dos Negocios Estrangeiros, em 13 de Outubro de 1855.

Visconde d'Athoguia.

Declaração do Plenipotenciario Brasileiro.

Legação Imperial do Brazil. — Lisboa, 13 de Outubro de 1855.

O abaixo assignado, do Conselho de Sua Magestade o Imperador do Brazil, e Seu Enviado Extraordinario e Ministro Plenipotenciario n'esta Côrte, tem a honra de accusar a recepção da nota, que S. Ex.^a o Sr. Visconde de Athoguia, Ministro e Secretario d'Estado dos Negocios Estrangeiros, houve a bem dirigir-lhe com o fim de solicitar do mesmo abaixo assignado uma declaração authentica ácerca do genuino sentido do Artigo II da Convenção celebrada, em 12 de Janeiro do anno corrente, entre o Brazil e Portugal, para a repressão e punição do crime de falsificação da moeda e papeis de credito com curso legal em cada um dos dois paizes.

Pelos motivos allegados na Nota citada, julga o Sr. Visconde d'Athoguia conveniente fixar-se por invariavel teor a intelligencia das seguintes palavras do indicado Artigo: «Quaesquer Titulos auctorisados por lei Brasileira»; as quaes, segundo a opinião de S. Ex.^a, se referem tão sómente aos Titulos ao portador, e não a quaesquer outros de diversa especie.

A este respeito tem o abaixo assignado de observar ao Sr. Visconde d'Athoguia que, havendo-se determinado com escrupulosa precisão o sentido das palavras a que S. Ex.^a allude, nas conferencias verbaes que tiveram logar durante a discussão do Projecto de Convenção, escusado fôra outra qualquer ulterior declaração tendente a esclarecer o sentido das referidas palavras; sendo por outro lado manifesto que, comprehendendo-se na disposição penal do designado Artigo II da Convenção a contrafacção do papel-moeda, notas do Banco e bilhetes do Thesouro do Imperio do Brazil, entendido devia ficar que a generalidade ou amplificação contida no mesmo Artigo participa tambem da natureza de taes Titulos, cuja falsificação, segundo o pensamento do Convenio celebrado, se tinha em vista acautelar ou punir.

Sem embargo porém do que fica ponderado, e desejando o abaixo assignado satisfazer aos desejos do Sr. Visconde d'Athoguia no ponto de que se trata, nenhuma duvida tem de aceitar, como ora o faz, a limitação proposta por S. Ex.^a, a qual se acha aliás inteiramente em harmonia com as resoluções accordadas nas conferencias acima alludidas.

Por esta occasião o abaixo assignado tem a honra de renovar ao Sr. Visconde d'Athoguia a segurança da sua distincta estima e elevada consideração.

Antonio Peregrino Maciel Monteiro.

Convention regarding the Rights of Neutrals
at Sea between the Two Sicilies and
the United States,
signed at Naples, 13 January 1855

THIS Convention, which is printed also by Malloy, *Treaties etc. between the United States and Other Powers*, p. 1812; Martens, *Nouveau Recueil Général*, vol. XVI(I), p. 569; and in *British and Foreign State Papers*, vol. XLVI, p. 888, is taken here from Miller, *Treaties and other International Acts of the United States*, vol. VI, p. 859.

ENGLISH/ITALIAN TEXTS

Convention between The United States of America and his Majesty the King of the Kingdom of the two Sicilies signed at Naples 13th January 1855.

The United States of America and his Majesty the King of the Kingdom of the two Sicilies, equally animated with a desire to maintain and to preserve from all harm, the relations of good understanding which have, at all times, so happily subsisted between themselves, as also between the inhabitants of their respective States, have mutually agreed to perpetuate, by means of a formal convention, the principles of the right of neutrals at sea, which they recognise as indispensable conditions of all freedom of navigation and maritime trade. For this purpose the President of the United States has conferred full powers on Robert Dale-Owen Minister Resident at Naples of the United States of America; and his Majesty the King of the Kingdom of the two Sicilies has

Sua Maestá il Re del Regno delle due Sicilie e gli Stati Uniti di America animati da egual desiderio di mantenere e preservare da qualunque alterazione i rapporti di buona intelligenza che in ogni tempo hanno felicemente esistito fra Loro e fra gli abitanti de'Loro stati rispettivi, hanno di comune accordo risoluto di sanzionare, per mezzo di una formal Convenzione, i principj de'diritti de'neutri sul mare, ch'Eglino riconoscono quali condizioni indispensabili di ogni libertá di navigazione e di commercio marittimo. A tal fine Sua Maestá il Re del Regno delle due Sicilie ha munito di pieni-poteri il Sig^r D. Luigi Carafa della Spina de'Duchi di Traetto, Maggiordomo di settimana della Maestá Sua, Comendatore del Suo Real Ordine del Merito Civile di Francesco

conferred like powers on Mr: Louis Carafa della Spina, of the Dukes of Traetto Weekly Major-domo of his Majesty, Commendator of his Royal Order of the Civil Merit of Francis the first, Grand Cross of the distinguished R^l Spanish Order of Charles the third, Great Officer of the Order of the Legion d'Honneur, Grand Cross of the Order of S. Michael of Baviera, Grand Cross of the Florentine Order of the Merit under the title of S. Joseph, Grand Cross of the Order of Parma of the Merit under the title of S. Ludovico, Grand Cross of the Brazilian Order of the Rose, provisionally charged with the Portfolio of Foreign Affairs: and said plenipotentiaries after having exchanged their full powers, found in good and due form, have concluded and signed the following articles.

ART. 1º

The two high contracting parties recognise as permanent and immutable the following principles, to wit:

1st. That free ships make free goods—that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2d: That the property of neutrals on board an enemy's vessel

1º, Gran Croce del distinto Real Ordine Spagnuolo di Carlo 111º Grande Ufficiale dell'ordine della Legione di onore, Gran Croce dell'Ordine di S. Michele di Baviera, Gran Croce dell'Ordine Toscano del Merito sotto il titolo di S. Giuseppe, Gran Croce dell'Ordine di Parma del Merito sotto il titolo di S. Ludovico, Gran Croce dell'Ordine della Rosa del Brasile, provvisoriamente incaricato del Portafoglio del Ministero degli Affari Esteri; ed il Presidente degli Stati Uniti di America ha munito degli stessi poteri il Sig^r Roberto Dale-Owen Ministro Residente di detti Stati Uniti in Napoli. I quali Plenipotenziari dopo di avere scambiato i loro pieni-poteri, e trovatili in buona e dovuta forma, hanno stabilito e sottoscritto i seguenti articoli.

ART. 1º

Le due Alte Parti contraenti riconoscono come permanenti ed invariabili i principj seguenti, cioè

1º Che la Bandiera copre la mercanzia (that free ships make free goods) val quanto dire, che gli effetti e le mercanzie di proprietà dei sudditi o de'cittadini di una Potenza o di uno Stato in guerra, sono esenti da cattura o confiscazione sui bastimenti neutrali, eccetto che gli oggetti di contrabbando di guerra.

2º Che la proprietà de'neutri non é soggetta a confiscazione sul

is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them on their part as permanent and immutable.

ART. 2º

The two high contracting parties reserve themselves to come to an ulterior understanding as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1st. article. But they declare from this time that they will take the stipulations contained in said article 1st as a rule whenever it shall become a question, to judge of the rights of neutrality.

ART. 3º

It is agreed by the high contracting parties that all nations which shall or may consent to accede to the rules of the first article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

bordo di nave nemica, a meno che sia contrabando di guerra. Esse Parti contraenti prendono impegno di applicare questi principi al commercio ed alla navigazione di qualunque Potenza o Stato che vorrá dal canto suo adottarli come permanenti ed invariabili.

ART. 2º

Le due Alte Parti contraenti si riservano d'intendersi ulteriormente secondo che le circostanze potranno esigerlo, circa l'applicazione e l'estensione da darsi, se vi sará luogo, ai principi convenuti nell'articolo 1º. Ma fin da ora dichiarano che Elleno prenderanno per norma le stipulazioni contenute nel detto articolo 1º tutte le volte che si tratterá di valutare i dritti di neutralitá.

ART. 3º

È convenuto fra le Alte Parti contraenti, che tutte le Nazioni che consentir volessero ad accedere alle norme convenute nell'Articolo 1º di questa Convenzione, mediante una formale Dichiarazione, con cui s'impegnino ad osservarle, godranno de'dritti risultanti da tale accessione, nel modo stesso che le Potenze segnatarie di questa Convenzione godranno di siffatti dritti e li osserveranno. Elleno si comunicheranno reciprocamente il risul-tamento delle pratiche che a tale scopo saran fatte

ART. 4.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by his Majesty the King of the Kingdom of the two Sicilies, and the ratifications of the same shall be exchanged at Washington within the period of twelve months, counting from this day, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed the present Convention, in duplicate, and thereto affixed the seal of their arms.

Done at Naples, thirteenth of January eighteen-hundred & fifty five.

ROBERT DALE OWEN.

[Seal]

ART 4º

La presente Convenzione sarà approvata e ratificata da Sua Maestà il Re del Regno delle due Sicilie, e dal Presidente degli Stati Uniti di America, con l'avviso e consenso del Senato de'detti Stati Uniti, e le ratifiche ne saranno scambiate in Washington nello spazio di dodici mesi a contare da questo giorno, o più presto se sarà possibile.

In fede di che i Plenipotenziari rispettivi hanno sottoscritto la presente Convenzione in duplice spedizione, e vi hanno apposto il suggello delle loro armi.

Fatta in Napoli li tredici di gennaio mille ottocento cinquantacinque.

LUIGI CARAFA

[Seal]

Extradition Convention between Hanover
and the United States,
signed at London, 18 January 1855

THIS Convention, which is printed also by Malloy, *Treaties etc. between the United States and Other Powers*, p. 896, and in *British and Foreign State Papers*, vol. LIX, p. 258, is reproduced here from Miller, *Treaties and other International Acts of the United States*, vol. VI, p. 871.

ENGLISH/GERMAN TEXTS

Convention for the mutual extradition of fugitives from justice, in certain cases, concluded between the Government of the United States on the one part, and the Kingdom of Hanover on the other part.

The United States of America and His Majesty the King of Hanover, actuated by an equal desire to further the administration of justice and to prevent the commission of crimes in their respective countries, taking into consideration, that the increased means of communication between Europe and America facilitate the escape of offenders, and that consequently provision ought to be made, in order that the ends of justice shall not be defeated, have determined to conclude an arrangement, destined to regulate the course, to be observed in all cases with reference to the extradition of such individuals, as hav-

Vertrag zwischen den Vereinigten Staaten einerseits und dem Königreich Hannover andererseits wegen der in gewissen Fällen zu gewährenden gegenseitigen Auslieferung der vor der Justiz flüchtigen Verbrecher.

Die Vereinigten Staaten von Amerika und Seine Majestät der König von Hannover, von dem gleichen Wunsche beseelt, in den beiderseitigen Staaten die Verwaltung der Rechtspflege und die Verhütung von Verbrechen zu befördern, in Erwägung dass die verbesserten Verkehrsmittel zwischen Europa und Amerika das Entkommen von Verbrechern erleichtern, und dass es daher einer gemeinschaftlichen Vorsorge bedarf, damit nicht die Zwecke der Gerechtigkeit vereitelt werden, dann in Berücksichtigung der Verfassung und Gesetzgebung Hannovers, welche es der Hanoverschen Regierung nicht ge-

ing committed any of the offences, hereafter enumerated, in one country, shall have taken refuge within the territories of the other. The Constitution and laws of Hanover however, not allowing the Hanoverian Government to surrender their own subjects for trial before a Foreign Court of Justice, a strict reciprocity requires, that the Government of the United States shall be held equally free from any obligation to surrender Citizens of the United States.

For which purposes the high contracting Powers have appointed as their Plenipotentiaries:—

The President of the United States, James Buchanan, Envoy Extraordinary and Minister Plenipotentiary of the United States, at the Court of the United Kingdom of Great Britain and Ireland:

His Majesty the King of Hanover, the Count Adolphus von Kielmansegge, his Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, Grand Cross of the Order of the Guelphs, &c., &c.

statten, ihre eignen Unterthanen zur Aburtheilung vor fremden Gerichtshöfen auszuliefern, sowie in Berücksichtigung des Grundsatzes genauer Reciprocität, nach welchem auch die Regierung der Vereinigten Staaten eine Verbindlichkeit zur Auslieferung von Bürgern der Vereinigten Staaten, gegenüber der Hanoverschen Regierung, nicht eingehen soll, haben Sich entschlossen, eine Uebereinkunft abzuschliessen, welche in allen Fällen zur Richtschnur des Verfahrens hinsichtlich der Auslieferung solcher Personen dienen soll, welche in dem einen Lande gewisse hiernach namentlich aufgezählte Verbrechen verübt, und sich sodann in das Gebiet des anderen Staates geflüchtet haben.

Zu diesem Zwecke haben die hohen contrahirenden Theile zu Ihren Bevollmächtigten ernannt:

Der Präsident der Vereinigten Staaten James Buchanan, ausserordentlichen Gesandten und bevollmächtigten Minister der Vereinigten Staaten am Hofe des Vereinigten Königreichs von Grossbritannien und Irland.

Seine Majestät der König von Hannover den Grafen Adolph von Kielmansegge, Allerhöchst Ihren ausserordentlichen Gesandten und bevollmächtigten Minister bei Ihrer Grossbritannischen Majestät, Grosskreuz des Guelphen-Ordens. &c

who after reciprocal communication of their respective full powers, found in good and due form, have agreed to the following Articles.

ARTICLE I.

The Government of the United States and the Hanoverian Government promise and engage, upon mutual requisitions by them or their Ministers, officers, or authorities respectively made, to deliver up to justice all persons, who being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: provided that this shall only be done upon such evidence of criminality, as according to the laws of the place, where the fugitive, or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other Magistrates of the two Governments shall have power, jurisdiction and authority upon complaint made under oath, to issue a warrant

welche nach gegenseitiger Mittheilung ihrer einschlägigen in guter und gehöriger Form befundenen Vollmachten über nachfolgende Artikel übereingekommen sind.

ARTIKEL I.

Die Regierung der Vereinigten Staaten und die Königlich Hannoversche Regierung versprechen und machen sich verbindlich, auf gegenseitige Requisitionen, welche respective sie selbst, oder ihre Gesandten, Beamten oder Behörden erlassen, alle Individuen der Justiz auszuliefern, welche beschuldigt, das Verbrechen des Mordes oder eines Angriffs in mörderischer Absicht, oder des Seeraubes, oder der Brandstiftung, oder des Raubes, oder der Fälschung, oder des Ausgebens falscher Documente, oder der Verfertigung oder Verbreitung falschen Geldes, sei es gemünztes oder Papiergeld, oder des Defectes, oder der Unterschlagung öffentlicher Gelder, innerhalb der Gerichtsbarkeit eines der beiden Theile begangen zu haben, in dem Gebiete des anderen Theils eine Zuflucht suchen, oder dort aufgefunden werden, mit der Beschränkung jedoch, dass dies nur auf solche Beweise für die Strafbarkeit geschehen soll, welche nach den Gesetzen des Ortes, wo der Flüchtling oder das so beschuldigte Individuum aufgefunden wird, dessen Verhaftung und

for the apprehension of the fugitive or person so charged, that he may be brought before such judges, or other Magistrates respectively, to the end, that the evidence of criminality may be heard and considered; and if on such hearing the evidence be deemed sufficient, to sustain the charge, it shall be the duty of the examining judge or magistrate, to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE II.

The Stipulations of this Convention shall be applied to any other State of the Germanic confederation, which may hereafter declare its accession thereto.

Stellung vor Gericht rechtfertigen würden, wenn das Verbrechen oder Vergehen dort begangen wäre, und die respectiven Richter und anderen Behörden der beiden Regierungen sollen Macht, Befugniß und Autorität haben, auf eidlich erhärtete Angabe einen Befehl zur Verhaftung des Flüchtlings oder so beschuldigten Individuums zu erlassen, damit er vor die gedachten Richter oder anderen Behörden zu dem Zwecke gestellt werde, dass der Beweis für die Strafbarkeit gehört und in Erwägung gezogen werde, und wenn bei dieser Vernehmung der Beweis für ausreichend zur Aufrechthaltung der Beschuldigung erkannt wird, so soll es die Pflicht des prüfenden Richters oder der Behörde sein, selbigen für die betreffende executive Behörde festzustellen, damit ein Befehl zur Auslieferung eines solchen Flüchtlings erlassen werden könne.

Die Kosten einer solchen Verhaftung und Auslieferung sollen von dem Theile getragen und erstattet werden, welcher die Requisition erlässt, und den Flüchtling in Empfang nimmt.

ARTIKEL II.

Die Bestimmungen dieser Uebereinkunft sollen auf jeden anderen Staat des Deutschen Bundes Anwendung finden, der später seinen Beitritt zu derselben erklärt.

ARTICLE III.

None of the contracting parties shall be bound, to deliver up its own subjects or Citizens under the Stipulations of this Convention.

ARTICLE IV.

Whenever any person, accused of any of the crimes enumerated in this Convention, shall have committed a new crime in the territories of the State, where he has sought an asylum or shall be found, such person shall not be delivered up under the Stipulations of this Convention, until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE V

The present Convention shall continue in force until the First of January, One thousand eight hundred and fifty-eight, and if neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months, after either of the high contracting parties shall have given notice to the other of such intention; each of

ARTIKEL III

Keiner der contrahirenden Theile soll gehalten sein, in Gemässheit der Bestimmungen dieser Uebereinkunft, seine eigenen Unterthanen oder Bürger auszuliefern.

ARTIKEL IV

Wenn ein Individuum, welches eines der in dieser Uebereinkunft aufgezählten Verbrechen angeklagt ist, ein neues Verbrechen in dem Gebiete des Staates begangen haben sollte, wo er eine Zuflucht gesucht hat oder aufgefunden wird, so soll ein solches Individuum nicht eher in Gemässheit der Bestimmungen dieser Uebereinkunft ausgeliefert werden, als bis dasselbe vor Gericht gestellt worden sein, und die auf ein solches neues Verbrechen gesetzte Strafe erlitten haben, oder freigesprochen worden sein wird.

ARTIKEL V.

Die gegenwärtige Uebereinkunft soll bis zum ersten Januar Eintausend achthundert und acht und funfzig in Kraft bleiben, und wenn kein Theil dem anderen sechs Monate vorher Mittheilung von seiner Absicht macht, dieselbe dann aufzuheben, so soll sie ferner in Kraft bleiben, bis zu dem Ablaufe von zwölf Monaten, nachdem einer der hohen contrahirenden Theile dem anderen von einer solchen Absicht Kennt-

the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said First day of January, One thousand eight hundred and fifty-eight.

ARTICLE VI

The present Convention shall be ratified by the President by and with the advice and consent of the Senate of the United States and by the Government of Hanover, and the ratifications shall be exchanged, in London within Three months from the date hereof or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed this Convention and have hereunto affixed their Seals.

Done in duplicate in London the Eighteenth day of January One thousand eight hundred and fifty-five and the Seventy-ninth year of the Independence of the United States.

JAMES BUCHANAN [Seal]
A KIELMANSEGGE [Seal]

niss gegeben; wobei jeder der hohen contrahirenden Theile sich das Recht vorbehält, dem anderen eine solche Mittheilung zu jeder Zeit nach dem Ablaufe des gedachten ersten Januars Eintausend achthundert und acht und funfzig zugehen zu lassen.

ARTIKEL VI.

Die gegenwärtige Uebereinkunft soll ratificirt werden von dem Präsidenten unter und mit der Genehmigung und Zustimmung des Senates der Vereinigten Staaten, und von der Hannoverschen Regierung, und die Ratificationen sollen zu London innerhalb drei Monaten von dem heutigen Datum oder wo möglich früher ausgewechselt werden.

Zu Urkunde dessen haben die respectiven Bevollmächtigten diese Uebereinkunft unterzeichnet, und hierunter ihre Siegel beigedrückt.

In zweifacher Ausfertigung geschehen zu London den achtzehnten Januar des Jahres Eintausend achthundert und fünf und funfzig, und im neun und siebenzigsten Jahre der Unabhängigkeit der Vereinigten Staaten.

JAMES BUCHANAN [Seal]
A KIELMANSEGGE [Seal]

Postal Convention between Parma and Sardinia,
signed at Turin, 15 January/
Parma, 19 January 1855

THIS Convention is taken from Solar de la Marguerite, *Traité Publics de la Royale Maison de Savoie*, vol. VIII, p. 198.

ITALIAN TEXT

Sua Maestà Vittorio Emanuele II Re di Sardegna, e Sua Altezza Reale Luisa Maria di Borbone Reggente gli Stati Parmensi pel Duca Roberto I, egualmente animati dal desiderio di migliorare, mediante una nuova Convenzione, il servizio delle corrispondenze postali tra il Regno Sardo ed il Ducato di Parma, hanno nominato a questo scopo per loro Plenipotenziari,

Sua Maestà Vittorio Emanuele II Re di Sardegna, il conte Camillo Benso di Cavour, Cavaliere di Gran Croce, decorato del Gran Cordone dell'Ordine dei Santi Maurizio e Lazzaro, Grande Ufficiale della Legion d'onore di Francia, Membro della Camera Elettiva, Presidente del Consiglio dei Ministri, Ministro Segretario di Stato per gli Affari Esteri:

Sua Altezza Reale Luisa Maria di Borbone Reggente gli Stati Parmensi pel Duca Roberto I, il Marchese Giuseppe Pallavicino, Senatore Gran Croce e Vice Gran Cancelliere del S. A. I. Ordine Costantiniano di S. Giorgio, Grande di Corte, Ciamberrano e primo Cavaliere d'ò-

nore (onorario) di S. A. R. la Duchessa Reggente, Preside emerito del Magistrato degli Studi di Parma, Segretario intimo di Gabinetto, Consigliere di Stato effettivo, Presidente del Dipartimento Militare, Ministro di Stato pel Dipartimento degli Affari Esteri;

I quali, dopo essersi cambiati i loro pieni poteri trovati in buona e debita forma, hanno convenuto nei seguenti articoli:

I.

Cambio dei pieghi postali.

Fra l'Amministrazione delle Poste Sarde e l'Amministrazione delle Poste Parmensi avrà luogo un cambio quotidiano di lettere, campioni, giornali e stampati di ogni sorta.

I servizi stabiliti e quelli che fossero per stabilirsi in seguito pel trasporto dei dispacci tra gli uffizi di cambio delle Amministrazioni Sarda e Parmense, saranno eseguiti coi mezzi ordinari delle due Amministrazioni.

La spesa risultante sarà pagata in proporzione dalla percorrenza sui rispettivi territori.

II.

Progressione di peso nelle lettere.

I prezzi di porto di cui l'Amministrazione delle Poste Sarde e l'Amministrazione delle Poste Parmensi dovranno tener conto l'una verso dell'altra sulle lettere che queste due Amministrazioni si invieranno vicendevolmente, verranno stabiliti lettera per lettera, secondo la seguente scala di progressione di peso.

Saranno considerate come lettere semplici quelle il cui peso non eccederà *sette grammi e mezzo*.

Le lettere che peseranno *da sette grammi e mezzo a quindici grammi inclusivamente*, pagheranno due volte il porto della lettera semplice.

Quelle *da quindici a ventidue e mezzo* inclusivamente tre volte il porto della lettera semplice, e così di seguito, aggiungendo *di 7 grammi e mezzo in sette grammi e mezzo*, un porto semplice di più.

III.

Libertà d'affrancazione.

Quelle persone che vorranno spedire lettere ordinarie, cioè non assicurate, dallo Stato Sardo a destino di quello Parmense e viceversa, potranno a loro scelta lasciare che il porto di dette lettere sia a carico dei destinatari, oppure pagare questo porto anticipatamente fino a destino.

IV.

Tassa delle lettere.

Le lettere ordinarie, cioè non assicurate, dirette dall'uno dei due Stati a destino dell'altro, saranno sottoposte ad una tassa uniforme di *trenta centesimi* per ogni lettera semplice.

Il prodotto della sopradetta tassa uniforme di trenta centesimi sarà diviso fra le Amministrazioni postali dei due paesi nella proporzione di due terzi a profitto dell'Amministrazione Sarda e di un terzo a profitto dell'Amministrazione Parmense.

V.

Tassa eccezionale di confine.

In eccezione a quanto è stabilito dall'articolo precedente, le lettere cambiate tra gli uffizi Sardi di Broni e Stradella da una parte, e quello Parmense di Castel San Giovanni dall'altra, non andranno soggette che alla tassa di *dieci centesimi*.

Questa tassa rimarrà a totale vantaggio dell'Amministrazione che l'avrà riscossa.

VI.

Campioni di merci.

I campioni delle merci, purchè francati e riconoscibili andranno soggetti alla tassa di una lettera semplice ordinaria sino al peso di 15 grammi, e la loro progressione di peso sarà di 15 in 15 grammi, lettera e campione pesati insieme.

VII.

Transiti sardi.

Le lettere spedite per la via dello Stato Sardo sia dallo Stato Parmense a destino dei paesi nominati nel quadro annesso alla presente Convenzione, sia da questi paesi medesimi a destino dello Stato Parmense, saranno cambiate fra l'Amministrazione delle Poste Sarde e la Amministrazione delle Poste Parmensi alle condizioni enunciate in detto quadro.

Accadendo però che qualche corrispondenza di transito non mentovata in detto quadro prendesse la via dei due Stati contraenti, verrà accreditata all'Amministrazione speditrice la tassa di porto calcolata sino a quell'ultimo ufficio di confine pel quale essa corrispondenza passerebbe dall'uno nell'altro Stato.

VIII.

Lettere assicurate.

L'Amministrazione delle Poste Sarde potrà rimettere alla Amministrazione delle Poste Parmensi lettere assicurate sino a destino dello Stato Parmense.

Dal canto suo l'Amministrazione delle Poste Parmensi potrà rimettere all'Amministrazione delle Poste Sarde lettere assicurate a destino dello Stato Sardo, siccome pure di quei paesi esteri, pei quali gli abitanti dello Stato Parmense possono spedire per la via dello Stato Sardo lettere ordinarie affrancate fino a destino.

Il porto delle lettere assicurate dovrà essere sempre pagato anticipatamente fino a destino, e sarà doppio di quello delle lettere ordinarie.

IX.

Compenso per lettere assicurate smarrite.

Qualora una lettera assicurata andasse smarrita, l'Amministrazione sul cui territorio ciò fosse accaduto, dovrà sborsare, appena provato il fatto, al mittente od al destinatario a titolo di compenso lire *cinquanta italiane*.

Non si ammetteranno peraltro tali riclami e le due Amministrazioni non s'intenderanno più obbligate al pagamento del compenso suddetto quando siano scorsi sei mesi dal giorno dell'impostazione.

X.

Fogli di stampa.

I fogli di stampa di qualunque genere originari dello Stato Sardo per lo Stato Parmense, o dello Stato Parmense per quello Sardo, dovranno sempre essere francati fino al destino e saranno sottoposti ad una *tassa di cinque centesimi* per foglio.

Questa tassa rimarrà ad esclusivo profitto dell'Amministrazione speditrice.

XI.

Condizioni pei fogli di stampa.

I fogli di stampa saranno sottoposti alla medesima tassa stabilita per le lettere qualora o non siano stati francati o non fossero impostati sotto fascia, o contenessero alcun che di scritto, oltre l'indirizzo, la data e la firma.

XII.

Riserva sui fogli di stampa.

S'intende che le Amministrazioni postali dei due paesi si riservano il diritto di non effettuare sul proprio territorio la distribuzione di quelle stampe, a riguardo delle quali non fosse stato adempito alle leggi, agli ordini ed ai decreti che regolano rispettivamente nei due Stati le condizioni della loro pubblicazione o circolazione.

XIII.

Transito in pacchi chiusi.

Il Governo Parmense concede il transito in pacchi chiusi a traverso il suo territorio tanto per le corrispondenze degli Stati Sardi come per

quelle di altri Stati cui l'Amministrazione Postale Sarda servisse di mediatrice.

Pel trasporto dei pieghi chiusi di cui sopra, l'Amministrazione Parmense riceverà dalla Sarda per ogni chilogramma di lettere *lire quattro e centesimi sessanta* (4 60) ed un trentesimo di questa somma per ogni chilogramma di giornali e stampati.

XIV.

Francobolli.

Tanto nel Regno Sardo quanto nel Ducato di Parma, il pubblico potrà soddisfare al pagamento dei diritti postali fissati per le corrispondenze nella presente convenzione, mediante l'applicazione sulle medesime dei francobolli venduti dalle rispettive Amministrazioni.

XV.

Franchigia.

Le corrispondenze esclusivamente di servizio governativo originarie del Regno Sardo pel Ducato di Parma o viceversa spedite da una Autorità godente franchigia postale ad un'Autorità dell'altro Stato, saranno rimesse franche.

Qualora l'Autorità cui fossero dirette, secondo le leggi del paese, non godesse franchigia, le corrispondenze medesime verranno gravate dall'ufficio di destinazione della sola tassa territoriale.

Queste corrispondenze dovranno sempre portare sulla soprascritta la indicazione dell'Autorità mittente.

XVI.

Liquidazione e saldo dei conti.

Le Amministrazioni delle Poste Sarde e Parmensi compileranno mese per mese i conti risultanti dal cambio delle corrispondenze reciprocamente trasmesse.

I sopraccennati conti, dopo essere stati discussi e concordati dalle due

Amministrazioni, saranno saldati in moneta sonante alla fine d'ogni trimestre da quella delle due Amministrazioni che risulterà debitrice verso l'altra.

XVII.

Corrispondenze mal dirette e per destinatari partiti.

Le lettere ordinarie o assicurate, i giornali, le gazzette, le opere periodiche e gli stampati d'ogni specie con erroneo indirizzo o mal diretti, saranno senza dilazione alcuna reciprocamente respinti per mezzo dei rispettivi uffici corrispondenti pel peso e pel prezzo, pei quali lo ufficio mittente avrà rimesso questi oggetti all'altro ufficio.

Le lettere ed i fogli di stampa come sopra che saranno indirizzati a destinatari, i quali avessero cambiato il luogo di loro dimora, saranno rispettivamente rimessi e restituiti gravati del porto che avrebbe dovuto esser pagato dai destinatari.

XVIII.

Rifiuti.

Le lettere ordinarie o assicurate, i giornali, le gazzette, le opere periodiche e gli stampati d'ogni sorta cambiati allo scoperto fra le due Amministrazioni Sarda e Parmense cadute in rifiuto per ricusa del destinatario, dovranno esser respinti da una parte all'altra alla fine d'ogni mese, e più spesso se sarà possibile. Le lettere ed invii diversi, i cui destinatari non si presentassero, non saranno respinti all'ufficio mittente che entro lo spazio di tre mesi. Quelli di siffatti oggetti rimessi in conto, verranno resi pel prezzo stesso pel quale saranno stati originalmente computati dall'ufficio mittente. Quelli che fossero stati rimessi franchi, saranno respinti senza tassa.

XIX.

Esclusione di lettere contenenti oggetti di valore.

Le due Amministrazioni Sarda e Parmense non ammetteranno a destino dell'uno dei due paesi o dei paesi al di là veruna lettera con-

tenente o supposta contenere oro od argento monetato, gioie o qualunque altro capo sottoposto a diritto di dogana.

Nel caso che si trovassero nelle buche lettere di questo genere, esse non saranno inoltrate, ma verranno aperte e restituite senza indugio al mittente.

XX.

Privativa postale.

Affine di assicurarsi vicendevolmente l'integrità del prodotto delle corrispondenze cambiate fra i due paesi, i Governi Sardo e Parmense si obbligano ad impedire con tutti i mezzi che sono in loro potere che queste corrispondenze non passino per altra via che quella delle rispettive loro Poste.

XXI.

Incarichi attribuiti alle due Amministrazioni postali.

L'Amministrazione delle Poste Sarde e quella delle Poste Parmensi designeranno di comune accordo gli uffizi per mezzo dei quali dovrà aver luogo il cambio delle corrispondenze rispettive.

Determineranno ancora la forma dei conti mentovati all'articolo 16, la direzione delle corrispondenze reciprocamente trasmesse, come pure ogni altra minuta disposizione di ordine occorrente ad assicurare l'esecuzione delle stipulazioni della presente Convenzione.

Resta inteso che le misure di sopra indicate potranno essere dalle due Amministrazioni modificate ogniqualvolta, di comune accordo, ne riconoscano il vantaggio.

XXII.

Eventuali modificazioni di prezzo sulle corrispondenze estere.

Il Governo Sardo si riserva di modificare i prezzi di sopra stabiliti pel trasporto delle lettere estere nel caso in cui le condizioni di trasporto per gli altri territori subissero un cambiamento.

XXIII.

Durata della Convenzione.

La presente Convenzione riceverà il suo effetto a cominciare dal 1° marzo 1855, e rimarrà in attività per tre anni intieri.

Scorso questo termine, la medesima si considererà prolungata d'anno in anno, ove sei mesi prima della scadenza non venga disdetta da una delle Parti contraenti.

Durante questi ultimi sei mesi, la Convenzione continuerà ad avere piena esecuzione in ogni sua parte. Così pure non ne dovranno risentire pregiudizio la liquidazione ed il saldo dei conti, che, anche spirato detto termine, dovessero aver luogo fra le due Amministrazioni postali.

XXIV.

Ratifiche.

La presente Convenzione sarà ratificata ed il cambio delle ratifiche avrà luogo a Torino il più presto possibile.

In fede di che i Plenipotenziari rispettivi hanno firmato il presente, e vi hanno apposto l'impronto dei loro stemmi.

Fatto in doppio originale e firmato :

A Torino questo dì quindici gennajo dell'anno di grazia mille ottocento cinquantacinque.

(L. S.) CAVOUR.

A Parma questo dì diciannove stesso mese ed anno.

(L. S.) PALLAVICINO.

(Ratifié par S. A. R. Madame la Duchesse de Parme le 27 janvier et par S. M. le Roi de Sardaigne le 31 janvier 1855. — L'échange des ratifications a eu lieu à Turin le 2 février de la même année)

QUADRO *indicante le condizioni cui saranno cambiate fra l'Amministrazione delle Poste Sarde e l'Amministrazione delle Poste Parmensi le corrispondenze spedite dai paesi esteri, ai quali lo Stato Sardo serve di mediatore per lo Stato Parmense e viceversa.*

ORIGINE O DESTINAZIONE	CONDIZIONI	LIMITE	DIRITTI		TASSE		
delle	della	della	dei quali lo Stato Parmense deve tener conto allo Stato Sardo per ogni porto semplice		applicabili nello Stato Parmense alle corrispondenze tanto francate originarie dello Stato Parmense, quanto a quelle non francate dirette nello Stato Parmense		
CORRISPONDENZE	francatura	francatura					
			L.	C.	L.	C.	
Svizzera	libera	destino	"	40	"	50	
Francia ed Algeria	libera	destino	»	70	»	80	
Germania							
Belgio	libera	destino	»	90	1.	»	
Paesi Bassi	libera	destino	1.	40	1.	20	
Gran Bretagna	obbligatoria	confine franco-ispano	»	80	»	90	
Spagna, Portogallo e Gibilterra							
Tunisi, Alessandria d'Egitto, Beyrout, Giaffa, Mersina, Latachia, Alessandretta, Tripoli di Soria, Smirne, Metelino, Dardanelli, Galli- poli e Costantinopoli per mezzo dei vapori regolari del Levante	libera	destino	1.	»	1.	40	
America per mezzo dei va- pori transatlantici Sardi	obbligatoria	porto d'imbarco o di sbarco	1.	70	1.	80	
Oltre mare in genere {			»	50	»	60	
			»	90	1.	»	
			1	80	1.	90	
			STAMPATI				
per ogni porto semplice di 25 grammi o frazione tanto in andata come in ritorno.							
Svizzera e Belgio			»	»	»	05	
Francia ed Algeria			»	07	»	10	
Germania, Paesi Bassi, Gran Bretagna, Spagna, Porto- gallo e Gibilterra			»	12	»	15	
Oltre mare { al di qua dello stretto di Gibilterra			»	22	»	25	
{ al di là di esso coi vapori transatlantici Sardi							

Arrangement between the Netherlands and the
Two Sicilies relative to the Supplementing of
the Treaty of 17 November 1847,
signed at The Hague, 30 December 1854/
Naples, 20 January 1855

THIS instrument is taken from *British and Foreign State Papers*, vol. XLVI,
p. 891.

FRENCH TEXT

LE Soussigné Ministre d'Etat et des Affaires Etrangères, ayant pris les ordres du Roi, son Auguste Maître, relativement aux additions que le Gouvernement de Sa Majesté Sicilienne est disposé à faire au Traité de Navigation et de Commerce en vigueur entre les deux pays, se trouve autorisé à déclarer à son Excellence M. le Chevalier Carafa de Traeto, Chargé du Portefeuille du Ministère des Affaires Etrangères de Sa Majesté le Roi du Royaume des Deux Siciles, qu'il demeure convenu, d'un commun accord entre Sa Majesté le Roi des Pays-Bas et Sa Majesté le Roi du Royaume des Deux Siciles, jusqu'à ce que réciproquement une disposition contraire ait été communiquée trois mois d'avance, que les navires de commerce Néerlandais et ceux du Royaume des Deux Siciles, respectivement, en destination de l'un des Etats pour l'autre, non seulement pourront, aux termes du Traité signé à Naples le 17 Novembre, 1847, et pendant tout le temps de sa durée, être nolisés avec des produits de leur sol ou de leur industrie, mais en outre, étant chargés seulement en partie de produits de l'un ou de l'autre pays, lors de leur expédition des ports Néerlandais ou Siciliens, auront la faculté de compléter leur chargement dans des ports étrangers intermédiaires, et n'en continueront pas moins à jouir des avantages stipulés, et cela sans réserve, dans le Traité susmentionné, signé le 17 Novembre, 1847, entre les Royaumes des Pays-Bas et des Deux Siciles.

La Haye, le 30 Décembre, 1854.
Naples, le 20 Janvier, 1855.

Le Soussigné, &c.

VAN HALL.

Convention between the Netherlands and the
United States regarding Consuls in the
Colonies of the Netherlands,
signed at The Hague, 22 January 1855

THE parallel English and Dutch texts of this Convention are taken from the United States archives by Miller, *Treaties and other International Acts of the United States*, vol. VII, p. 3. The Convention, the ratifications of which were exchanged at Washington on 25 May 1855, is printed also by Martens et de Cussy, *Recueil Manuel et Pratique des Traités*, vol. VII, p. 360; Lagemans, *Recueil des Traités etc. des Pays-Bas etc.*, vol. IV, p. 100; Malloy, *Treaties etc. between the United States and Other Powers*, p. 1251; and in *British and Foreign State Papers*, vol. XLV, p. 127.

ENGLISH/DUTCH TEXTS

His Majesty the King of the Netherlands wishing to strengthen the bonds of friendship subsisting between the United States of America and the Kingdom of the Netherlands and to give the amplest possible development to the commercial intercourse, so happily established between the two nations, has for the accomplishment of that purpose, and in order to satisfy a desire repeatedly expressed by the Government of the United States, consented to receive Consuls from said States in the principal ports of the Dutch Colonies, with the reservation however of making this concession the subject of a special convention, which shall determine in a clear and precise manner, the rights, duties and privi-

Zijne Majesteit de Koning der Nederlanden, de vriendschapsbanden, die tusschen de Vereenigde Staten van Amerika en het Koninkrijk der Nederlanden bestaan, naauwer wenshende toe te halen en aan de handelsbetrekkingen, die zoo gelukkig tusschen de beide Staten tot stand zijn gebracht, de meest mogelijke uitbreiding willende geven, heeft, ten einde dat doel te bereiken en om te voldoen aan een herhaaldelijk te kennen gegeven verlangen van de Regering der Vereenigde Staten, toegestemd in het toelaten van Consuls van die Staten in de voornaamste havens der nederlandsche Kolonien, onder voorbehoud evenwel deze vergunning tot het onderwerp te maken eener uitdrukkelijke Over-

leges of said Consuls in the Colonies above mentioned.

Accordingly the President of the United States has named August Belmont, a citizen of the United States and their Minister Resident near His Majesty the King of the Netherlands.

His Majesty the King of the Netherlands: the Sieur Floris Adriaan van Hall, Grand Cross of the Order of the Netherlands Lion, His Majesty's Minister of State and for Foreign Affairs, and the Sieur Charles Ferdinand Pahud, Grand Cross of the Order of the Netherlands Lion, His Majesty's Minister for the Colonies.

Who after communicating to each other their full powers found in good and due form, have agreed upon the following articles.

ARTICLE 1.

Consuls General, Consuls and Vice Consuls of the United States of Amerika will be admitted into all the ports in the transmarine possessions or colonies of the Netherlands, which are open to the vessels of all nations.

eenkomst, waarbij de regten, verplichtingen en voorregten dier Consuls in de gezegde Kolonien duidelijk en naauwkeurig werden omschreven.

Te dien einde heeft de President der Vereenigde Staten benoemd den Heer August Belmont, burger der Vereenigde Staten, en Minister Resident van die Staten bij Zijne Majesteit den Koning der Nederlanden.

Zijne Majesteit de Koning der Nederlanden heeft benoemd de Heeren Floris Adriaan van Hall, Grootkruis der Orde van den Nederlandschen Leeuw, Hoogstdeszelfs Minister van Staat en van Buitenlandsche Zaken,—en Karel Ferdinand Pahud, Grootkruis der Orde van den Nederlandschen Leeuw, Hoogstdeszelfs Minister van Kolonien.

Die, na mededeeling hunner volmagten, welke in goeden en behoorlijken vorm zijn bevonden, omtrent de navolgende artikelen zijn overeengekomen.

ARTIKEL 1.

Er worden Consuls Generaal, Consuls en Vice Consuls der Vereenigde Staten van Amerika toegelaten in al de havens van de overzeesche bezittingen of kolonien der Nederlanden, welke open zijn voor de schepen van alle landen.

ARTICLE 2.

The Consuls General, Consuls and Vice Consuls of the United States of America are considered as commercial agents, protectors of the maritime commerce of their countrymen in the ports within the circumference of their consular districts.

They are subject to the laws both civil and criminal of the country in which they reside; with such exceptions as the present Convention establishes in their favor.

ARTICLE 3.

The Consuls General and Consuls before being admitted to exercise their functions and to enjoy the immunities attached thereto, must present a commission in due form to the Government of His Majesty the King of the Netherlands.

After having obtained the Exequatur, which shall be countersigned, as promptly as possible by the Governor of the Colony, the said Consular agents shall be entitled to the protection of the Government and to the assistance of the local authorities in the free exercise of their functions.

The Government in granting the Exequatur, reserves the right of withdrawing the same, or to

ARTIKEL 2.

De Consuls Generaal, Consuls en Vice Consuls der Vereenigde Staten van Amerika worden beschouwd als handelsagenten, ter bescherming van den zeehandel hunner landgenooten, in de havens van het ressort van hun consulaire arrondissement.

Zij zijn onderworpen zoowel aan de burgerlijke als aan de strafwetten des lands, waar zij gevestigd zijn, onverminderd de uitzonderingen, die de tegenwoordige overeenkomst in hun belang vaststelt.

ARTIKEL 3.

De Consuls Generaalen Consuls, alvorens tot de uitoefening hunner werkzaamheden te worden toegelaten en het genot te hebben van de vrijdommen, die daaraan verbonden zijn, leggen aan de Regering van Zijne Majesteit den Koning der Nederlanden eene Commissie in behoorlijken vorm over.

Nadat het Exequatur, 't welk zoo spoedig mogelijk door den Gouverneur der Kolonie zal worden mede onderteekend, is verleend, hebben gezegde agenten regt op de bescherming der Regering en op den bijstand der plaatselijke overheid voor de vrije uitoefening hunner betrekking.

De Regering behoudt zich, bij het verleenen van het Exequatur, de bevoegdheid voor, dit weder in-

cause it to be withdrawn by the Governor of the Colony, on a statement of the reasons for doing so.

ARTICLE 4.

The Consuls general and Consuls are authorised to place on the outer door of their Consulates the arms of their Government, with the inscription: "Consulate of the United States of America."

It is well understood, that this outward mark shall never be considered as conferring the right of asylum, nor as having the power to exempt the house and those dwelling therein from the prosecution of the local justice.

ARTICLE 5.

It is nevertheless understood that the archives and documents relating to the affairs of the Consulate shall be protected against all search, and that no authority or magistrate shall have the power under any pretext whatever to visit or seize them or to examine their contents.

ARTICLE 6.

The Consuls General, Consuls and Vice Consuls shall not be invested with any diplomatic character.

When a request is to be addressed to the Netherlands Gov-

tetrekken of door den Gouverneur der Kolonie te doen intrekken, met opgave der redenen.

ARTIKEL 4.

De Consuls Generaal en Consuls zijn gerechtigd boven de buitendeur hunner Consulaten het wapen van hunne Regering te plaatsen, met het opschrift: "Consulaat van de Vereenigde Staten van Amerika."

Het is uitdrukkelijk verstaan dat dit uitwendig teeken nimmer kan worden aangemerkt als gevende het jus asyli, noch als kunnende de woning en hare bewoners onttrekken aan de vervolging der plaatselijke justitie.

ARTIKEL 5.

Het staat echter vast dat de archieven en bescheiden betreffende de zaken van het Consulaat, tegen elk onderzoek zullen beschermd zijn, en dat geen overheid of ambtenaar de bevoegdheid zal hebben, die op eenigerhande wijze of onder eenig voorwendsel te onderzoeken, in beslag te nemen of daarvan inzage te hebben.

ARTIKEL 6.

De Consuls Generaal, Consuls en Vice Consuls zijn met geenerhande diplomatieke waardigheid bekleed.

Indien eene aanvraag aan de Nederlandsche Regering moet

ernment, it must be done through the medium of the diplomatic agent residing at the Hague, if one be there.

The Consul may in case of urgency apply to the Governor of the Colony himself, showing the urgency of the case, and stating the reasons, why the request cannot be addressed to the subordinate authorities, or that previous applications made to such authorities have not been attended to.

ARTICLE 7.

Consuls General and Consuls shall be free to establish Vice Consuls in the ports mentioned in art. 1, and situated in their Consular districts.

The Vice Consuls may be taken indiscriminately from among the subjects of the Netherlands, or from citizens of the United States, or of any other country residing or having the privilege according to the local laws to fix their residence in the port to which the Vice Consul shall be named.

These Vice Consuls whose nomination shall be submitted to the approval of the Governor of the Colony, shall be provided with a certificate given to them by the Consul under whose orders they exercise their functions.

worden gedaan, geschiedt zulks door tusschenkomst van den diplomatieken agent, te 's Gravenhage gevestigd, indien er een is.

In spoed vereischende gevallen kan de Consul zelf de aanvraag doen aan den Gouverneur der Kolonie, daarbij het dringende der zaak aantoonende en de redenen, waarom de aanvraag niet aan de ondergeschikte overheid kan worden gedaan, of dat de vroegere aanvragen aan deze overheden zonder gevolg zijn gebleven.

ARTIKEL 7.

De Consuls Generaal en de Consuls zijn bevoegd Vice Consuls te benoemen in de havens, vermeld in art. 1, en gelegen in hun consulaire District.

De Vice Consuls kunnen zonder onderscheid worden gekozen uit de Nederlandsche onderdanen, uit de burgers der Vereenigde Staten of uit die van elk ander land, gevestigd of kunnende, volgens de bepalingen der plaatselijke wetten, worden toegelaten tot het zich vestigen in de haven, waar de Vice Consul wordt aangesteld.

Deze Vice Consuls, wier benoeming onderworpen is aan de goedkeuring van den Gouverneur der Kolonie, worden voorzien van eene aanstelling, afgegeven door den Consul, onder wiens bevelen zij werkzaam moeten zijn.

The Governor of the Colony may in all cases withdraw from the Vice Consuls the afore said sanction, in communicating to the Consul General or Consul of the respective district, the motives for his doing so.

ARTICLE 8.

Passports delivered or signed by Consuls or Consular agents do not dispense the bearer from providing himself with all the papers required by the local laws, in order to travel or to establish himself in the Colonies.

The right of the Governor of the Colony to prohibit the residence in, or to order the departure from the Colony of any person, to whom a passport may have been delivered, remains undisturbed.

ARTICLE 9.

When a ship of the United States is wrecked upon the coast of the dutch colonies, the Consul General, Consul or Vice Consul, who is present at the scene of the disaster, will in case of the absence, or with the consent of the Captain or supercargo, take all the necessary measures for the salvage of the Vessel, the cargo and all that appertains to it.

In the absence of the Consul General, Consul or Vice Consul,

De Gouverneur der kolonie kan in ieder geval de goedkeuring, waarvan zoo even is gesproken, aan de Vice Consuls ontnemen, onder mededeeling der redenen aan den Consul Generaal of Consul van het betrokken district.

ARTIKEL 8.

De paspoorten door Consuls of consulaire agenten afgegeven of gevisceerd, ontslaan geenszins van de verplichting om zich te voorzien van al de stukken, door de plaatselijke wetten tot het reizen of zich vestigen in de kolonien gevorderd.

Het regt om het verblijf in de kolonie te ontzeggen, of de verwijdering te bevelen van den persoon aan wien een paspoort is afgegeven, blijft den Gouverneur der Kolonie voorbehouden.

ARTIKEL 9.

Wanneer een schip der Vereenigde Staten op de kusten van eene der Nederlandsche Kolonien komt te stranden, neemt, bij afwezigheid van den kapitein of den supercarga, of met hunne toestemming, de Consul Generaal, Consul of Vice Consul, aanwezig ter plaatse van den schipbreuk, al de noodige maatregelen tot redding van schip, lading en alles wat daartoe behoort.

Bij afwezendheid van den Consul Generaal, Consul of Vice Con-

the Dutch authorities of the place where the wreck has taken place, will act in the premises, according to the regulations prescribed by the laws of the Colony.

ARTICLE 10.

Consuls General, Consuls and Vice Consuls may, in so far, as the extradition of deserters from merchant vessels or ships of war shall have been stipulated by treaty, request the assistance of the local authorities for the arrest, detention and imprisonment of deserters from Vessels of the United States. To this end they shall apply to the competent functionaries and claim said deserters in writing, proving by the register of the Vessel, the list of the crew or by any other authentic document, that the persons claimed belonged to the crew.

The reclamation being thus supported, the local functionaries shall exercise what authority they possess, in order to cause the deserters to be delivered up.

These deserters being arrested, shall be placed at the disposal of said Consuls and may be confined in the public prisons at the request, and at the expense of those who claim them, in order that they may be taken to the Vessels, to which they belong or to other

sul, neemt de Nederlandsche overheid der plaats, waar het schip is gestrand, de maatregelen, bij de wetten der kolonie voorgeschreven.

ARTIKEL 10.

De Consuls Generaal, Consuls en Vice Consuls, kunnen, voor zoover de uitlevering van deserters van koopvaardij- of oorlogschepen bij tractaat is bedongen, de hulp der plaatselijke overheid inroepen tot het aanhouden, gevangen nemen en in verzekerde bewaring houden van deserters van schepen der Vereenigde Staten; zij wenden zich te dien einde tot de bevoegde ambtenaren en eischen de gezegde deserters schriftelijk op, mits uit de scheepsregisters, monsterrollen of ieder ander authentiek stuk, bewijzende, dat de opgeëischte personen behoord hebben tot de manschap.

Wanneer de opeischings op deze wijze is gestaafd, is de plaatselijke overheid gehouden, gebruik te maken van al de middelen in hare magt, ten einde de uitlevering der deserters geschiede.

Na hunne aanhouding worden deze deserters gesteld ter beschikking van de gezegde Consuls, en kunnen op aanvraag en op kosten van degenen die hen opeischen, worden opgesloten in de openbare gevangenissen, ten einde te worden gezonden naar de

Vessels of the same nation. But if they are not sent back within four months, from the day of their arrest, they shall be set at liberty and shall not again be arrested for the same cause.

It is understood however, that if the deserter be found to have committed any crime, offence, or contravention, his extradition may be delayed, until the court having cognizance of the matter shall have pronounced its sentence and the same has been carried into execution.

ARTICLE 11.

In case of the death of a citizen of the United States, without having any known heirs or testamentary executors, the Dutch authorities, who according to the laws of the colonies are charged with the administration of the estate, will inform the Consuls or Consular agents of the circumstance, in order that the necessary information may be forwarded to parties interested.

ARTICLE 12.

The Consuls General, Consuls and Vice Consuls, have in that capacity, in so far as the laws of the United States of America allow it, the right to be named arbiters in the differences, which

schepen, waartoe zij behooren, of naar andere schepen van dezelfde natie. Indien zij echter binnen vier maanden na den dag hunner aanhouding niet terug gezonden zijn, worden zij in vrijheid gesteld, en kunnen zij om dezelfde reden niet wederom in hechtenis worden genomen.

Het staat echter vast dat, indien de deserteur bevonden werd eenige misdaad, wanbedrijf of overtreding te hebben gepleegd, zijne uitlevering kan worden uitgesteld tot dat de betrokken regtbank uitspraak hebbe gedaan en deze ten uitvoer gelegd zij.

ARTIKEL 11.

Wanneer een burger der Vereenigde Staten komt te overlijden, zonder bekende erfgenamen of uiterste wils uitvoerders na te laten, geven de Nederlandsche ambtenaren, die krachtens de wetten der Kolonie met het beheer van den boedel zijn belast, daarvan kennis aan de Consulaire agenten, ten einde de noodige mededeeling aan de belanghebbenden te doen geworden.

ARTIKEL 12.

De Consuls Generaal, Consuls en Vice Consuls hebben als zoodanig, voor zoover de wetgeving der Vereenigde Staten zulks toelaat, het regt om tot scheidsmannen te worden benoemd in

may arise between the masters and the crews of the Vessels belonging to the United States, and this without the interference of the local authorities; unless the conduct of the crew or of the captain should have been such as to disturb the order and tranquillity of the country or that the Consuls General, Consuls or Vice Consuls should request the assistance of the said authorities, in order to carry out their decisions or to maintain their authority.

It is understood however that this decision or special arbitrament is not to deprive on their return the parties in litigation of the right of appeal to the judiciary authorities of their own country.

ARTICLE 13.

The Consuls General, Consuls and Vice Consuls who are not subjects of the Netherlands, who at the time of their appointment are not established as residents in the Kingdom of the Netherlands, or its Colonies, and who do not exercise any calling, profession or trade, besides their Consular functions, are, in so far as in the United States the same privileges are granted to the Consuls General, Consuls and Vice Consuls of the Netherlands, exempt from

de geschillen, die tusschen de bevelvoerders en de manschap der schepen van de Vereenigde Staten mogten ontstaan, en zulks zonder tusschenkomst der plaatselijke overheid, ten zij het gedrag der manschap of van den bevelvoerder van dien aard zij geweest, dat het de orde en rust van het land kunne storen, of dat de Consuls Generaal, Consuls of Vice Consuls den bijstand inroepen der gezegde overheid, om hunne uitspraken ten uitvoer te leggen of het gezag daarvan te handhaven.

Het staat echter vast dat deze bijzondere vorm van rechtspleging of van uitspraak door scheidsmannen de twistende partijen het regt niet ontnemt om daarvan, na hunne terugkomst, bij de regterlijke magt van hun eigen land in hooger beroep te komen.

ARTIKEL 13.

De Consuls Generaal, Consuls en Vice Consuls, die geen onderdanen zijn der Nederlanden, die, op het oogenblik hunner benoeming, niet als ingezetenen gevestigd zijn in het Koninkrijk der Nederlanden of zijne kolonien, en die, behalve die van Consul, geene betrekking hebben of geen beroep of handel uitoefenen, zijn, voor zoover in de Vereenigde Staten dezelfde gunsten aan de Consuls Generaal, Consuls en Vice Consuls der Nederlanden zijn toeges-

military billeting, from personal taxation, and moreover from all public or municipal taxes, which are considered of a personal character, so that this exemption shall never extend to custom house duties or other taxes whether indirect or real.

The Consuls General, Consuls and Vice Consuls who are not natives or recognized subjects of the Netherlands, but who may exercise conjointly with their Consular functions, any profession or trade whatever, are obliged to fulfill duties and pay taxes and contributions like all Dutch subjects and other inhabitants.

Consuls General, Consuls and Vice Consuls, subjects of the Netherlands, but to whom it has been accorded to exercise Consular functions conferred by the Government of the United States of America, are obliged to fulfill duties and pay taxes and contributions like all Dutch subjects and other inhabitants.

ARTICLE 14.

The Consuls General, Consuls and Vice Consuls of the United States shall enjoy all such other privileges, exemptions and im-

taan, vrijgesteld van de inkwartiering, van de personele belasting, en daarenboven van alle lands- of gemeentelijke belastingen, die worden aangemerkt als van personen aard, in dier voege dat deze vrijdom zich nimmer kan uitstrekken tot de in- en uitgaande regten of andere indirecte of reële belastingen.

De Consuls Generaal, Consuls en Vice Consuls, die geen ingezetenen of erkende onderdanen zijn der Nederlanden, maar die, gelijktijdig met hunne betrekking van Consul, eenig beroep of eenigen handel mogten uitoefenen, zijn gehouden, de lasten te vervullen en de regten en belastingen te voldoen, even als alle Nederlandsche onderdanen en andere inwoners.

De Consuls Generaal, Consuls en Vice Consuls, die onderdanen zijn der Nederlanden, maar aan wien is toegestaan eene Consulaire betrekking waartenemen, door de Regering der Vereenigde Staten van Amerika opgedragen, zijn gehouden de lasten te vervullen en de regten en belastingen te voldoen, even als alle Nederlandsche onderdanen en andere inwoners.

ARTIKEL 14.

De Consuls Generaal, Consuls en Vice Consuls der Vereenigde Staten genieten in de Nederlandsche kolonien alle andere

munities in the Colonies of the Netherlands, as may at any future time be granted to the agents of the same rank of the most favored nations.

ARTICLE 15.

The present convention shall remain in force for the space of five years from the day of the exchange of the ratifications, which shall take place within the delay of twelve months or sooner if possible.

In case neither of the contracting parties gives notice twelve months before the expiration of the said period of five years, of its intention not to renew this convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

In witness whereof, the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seals of their arms.

Done at the Hague, this twenty second day of January, in the year of our Lord one thousand eight hundred and fifty five.

AUGUST BELMONT	[Seal]
VAN HALL	[Seal]
F PAHUD.	[Seal]

voorregten, vrijstellingen en vrijdommen, die in het vervolg aan de agenten van gelijken rang van de meest bevooroordeelde natie mogten worden toegestaan.

ARTIKEL 15.

De tegenwoordige overeenkomst zal van kracht blijven gedurende vijf jaren, integraal met de uitwisseling der bekrachtigingen, welke zal plaats hebben binnen den termijn van twaalf maanden, of, zoo mogelijk vroeger.

In geval geene der contracterende partijen, twaalf maanden vóór het verloop van den gezegden tijd van vijf jaren haar voornemen te kennen geeft om deze overeenkomst niet te vernieuwen, zal zij een jaar langer van kracht blijven, en zoo van jaar tot jaar, tot na verloop van een jaar, te rekenen van den dag waarop een der partijen zoodanige kennisgeving zal doen.

Ten blijke waarvan de wederzijdsche Gevolmagtigden de tegenwoordige overeenkomst hebben onderteekend en met hunne wapenen bezegeld.

Gedaan te 's Gravenhage, den twee en twintigsten van de maand Januarij van het jaar onzes Heeren een duizend acht honderd vijf en vijftig.

AUGUST BELMONT	[Seal]
VAN HALL	[Seal]
F PAHUD.	[Seal]

Telegraph Convention between Baden
and France,
signed at Paris, 22 January 1855

THIS Convention, replaced by that of 17 May 1865, is taken from De Clercq, *Recueil des Traités de la France*, vol. VI, p. 489.

FRENCH TEXT

S. M. l'Empereur des Français et S. A. R. le Régent de Bade, voulant régler définitivement le service des dépêches sur la ligne de télégraphie électrique établie entre les deux Pays par la Convention provisoire du 25 août 1852, améliorer et simplifier la marche suivie jusqu'à ce jour pour la perception des taxes afférentes aux offices télégraphiques respectifs, sont convenus de négocier et conclure, dans ce but, une Convention spéciale, et ont, à cet effet, nommé pour leurs Plénipotentiaires, savoir :

S. M. l'Empereur des Français, M. Edouard *Drouyn de Lhuys*, son Ministre Secrétaire d'Etat au Département des Affaires Etrangères, Vice-Président du Sénat, Grand-Croix de l'Ordre Impérial de la Légion d'Honneur, etc., etc., etc.

Et S. A. R. le Régent de Bade, M. Allesina, Baron *de Schweizer*, son Conseiller intime de Légation, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près S. M. l'Empereur des Français,

Commandeur de l'Ordre Grand-Ducal du Lion de Zœhringen et de l'Ordre Impérial de la Légion d'Honneur, Grand-Croix de l'Ordre de Philippe le Magnanime et Commandeur de première classe de l'Ordre de Louis de Hesse-Grand-Ducale, etc., etc., etc.; et M. Hermann Zimmer, Directeur général des postes, des chemins de fer et des télégraphes du Grand-Duché de Bade, Chevalier des Ordres de l'Aigle rouge de Prusse de deuxième classe et de la Couronne de Wurtemberg;

Lesquels, après avoir échangé leurs pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté les articles suivants :

ART. 1^{er}. Les H. P. C. s'engagent à entretenir toujours en bon état, chacune sur son territoire et à ses frais, les fils conducteurs établis entre Strasbourg et Kehl, par suite de la Convention provisoire du 25 août, pour la jonction des lignes télégraphiques des deux pays.

Dès que les besoins du service en feront sentir la nécessité, les administrations télégraphiques française et badoise se concerteront pour augmenter le nombre des fils électriques actuellement existants, et pour améliorer réciproquement les moyens de communication directe entre stations éloignées des deux pays.

Il est également convenu que toute amélioration, tout perfectionnement, qui seraient éventuellement apportés au service télégraphique sur un point quelconque du territoire de l'une ou l'autre des Hautes Parties Contractantes, seront d'un commun accord, et autant que faire se pourra, appliqués sur la ligne franco-badoise.

ART. 2. Les dispositions contenues, tant dans le Traité télégraphique conclu à Paris, le 4 octobre 1852, que dans l'article additionnel à ce même Traité, signé, le 22 septembre 1854, entre la France, la Belgique et la Prusse, — cette dernière puissance stipulant, tant en son propre nom qu'en celui des autres Etats composant l'union télégraphique austro-allemande, ou qui y accéderaient par la suite, — continueront d'être appliquées aux dépêches télégraphiques entre la France et l'union austro-allemande, expédiées par les lignes badoises.

Il en sera de même, désormais, pour le service direct des correspondances télégraphiques entre la France et le Grand-Duché de Bade, et pour celui des dépêches entre la France et la Suisse qui transiteront par le territoire badois.

Il est convenu, toutefois : 1^o Que l'échange des correspondances télégraphiques expédiées par les lignes françaises à destination d'un point quelconque des lignes badoises, ou *vice versa*, ne se fera que

par Strasbourg et Kehl, à moins que l'expéditeur n'ait expressément réclamé l'envoi de ses dépêches par une autre ligne, ou que le service direct entre Strasbourg et Kehl ne se trouve interrompu par circonstance de force majeure; 2° Que le tarif international pour ces mêmes dépêches, et pour celles entre la France et la Suisse qui transiteront par le Grand-Duché de Bade, se composera d'une taxe badoise uniforme égale à celle de la première zone, et d'une taxe française calculée à partir du point de la frontière franco-allemande qui produit le moindre nombre de zones; 3° Que la taxe locale de Strasbourg sur Kehl, ou *vice versa*, sera réduite à celle d'une seule zone, et le produit en sera partagé par moitié entre les offices télégraphiques des deux pays.

ART. 3. Il est expressément convenu que les dépêches d'Etat dont il est question dans l'article 8 du Traité télégraphique du 4 octobre 1852, pourront être transmises en chiffres aux conditions réglementaires stipulées, à cet effet, dans l'article 12 de ce même Traité.

ART. 4. Les H. P. C. s'engagent, sous la réserve des dispositions contenues dans l'art. 2, à adopter toutes les modifications qui pourront être apportées au Traité télégraphique du 4 octobre 1852, ainsi qu'à son article additionnel du 22 septembre 1854, conformément à l'article 38 de ce même Traité, et à les faire immédiatement appliquer au service de télégraphie électrique directe entre les deux pays.

ART. 5. Le règlement réciproque des comptes aura lieu à l'expiration de chaque mois. Le décompte et la liquidation du solde se feront à la fin de chaque trimestre.

Ces comptes comprendront les taxes en débet. Ils seront dressés par l'administration française en francs, avec réduction en monnaie badoise, et par l'administration badoise, en monnaie badoise avec réduction en francs. La réduction des monnaies se fera, en prenant la valeur de deux francs cinquante centimes comme équivalant à celle de un florin douze kreutzers. Les fractions d'un demi-franc ne seront pas comptées; celles d'un demi-franc et au-dessus compteront pour un franc.

ART. 6. La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris, dans le délai de trois semaines, ou plus tôt, si faire se peut. Elle sera mise à exécution à dater du 1^{er} mars prochain, et demeurera en vigueur jusqu'au 31 mars 1856, et au-delà, jusqu'à l'expiration d'une année, à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé le cachet de leurs armes.

Fait à Paris, en double expédition, le 22 janvier de l'an 1855.

DROUYN DE LHUYS. BARON ALLESINA DE SCHWEIZER. HERMANN ZIMMER.

Convention between France and Great Britain
relative to Supplies to be Furnished to
the Turkish Army,
signed at London, 24 January 1855

THE English and French texts of this Convention, the ratifications of which were exchanged at London on 29 February 1855 are reproduced here from *British and Foreign State Papers*, vol. XLV, p. 3. The Convention is printed also in *Parliamentary Papers*, 1854-5, vol. LV, p. 37, and by Hertslet, *Map of Europe by Treaty*, p. 1227; Martens, *Nouveau Recueil Général*, vol. XV, p. 602; and De Clercq, *Recueil des Traités de la France*, vol. VI, p. 492.

ENGLISH / FRENCH TEXTS

[Ratifications exchanged at London, February 28, 1855.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, being desirous to divide equally between their respective Governments the expense of the supplies which the allied armies in the Crimea have already furnished, or may hereafter furnish, to the Turkish army, have named as their Plenipotentiaries to conclude a Convention for that purpose, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Honourable Privy Council, Knight of

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur des Français, voulant établir une égale répartition entre leurs Gouvernements des frais résultant des fournitures que les armées alliées en Crimée ont déjà faites, ou auront ultérieurement à faire, à l'armée Turque, ont nommé pour leurs Plénipotentiaires à conclure une Convention à cet effet, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable George Guillaume Frédéric, Comte de Clarendon, Baron Hyde de Hindon, Pair du Royaume Uni, Conseiller de Sa Majesté Britannique en Son Conseil Privé, Chevalier du Très Noble Ordre

the Most Noble Order of the Garter, Knight Grand Cross of the Most Honourable Order of the Bath, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs ;

And His Majesty the Emperor of the French, the Sieur Alexander Colonna, Count Walewski, Grand Officer of the Imperial Order of the Legion of Honour, Grand Cross of the Order of St. Januarius of the 2 Sicilies, Grand Cross of the Order of Dannebrog of Denmark, Grand Cross of the Order of Merit of St. Joseph of Tuscany, &c., His Ambassador to Her Britannic Majesty ;

Who, after having communicated to each other their full powers, found in due form, have agreed upon the following Articles :

ART. I. The allied armies shall furnish as nearly as possible in equal proportions the supplies which the Turkish army may require from them during the course of the present war.

II. In case one of the two allied armies should, either from having a greater supply of provisions, or from any other cause, be called upon to furnish a larger proportion of the supplies placed at the service of the Turkish army, there shall, with a view to effect a just compensation, be prepared every 3 months an account of the supplies furnished by each party, and the half of the excess of expense which those quarterly accounts may show to have fallen to the charge of one of the two allied armies, shall be repaid to it by

de la Jarretière, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères ;

Et Sa Majesté l'Empereur des Français, le Sieur Alexandre Colonna, Comte Walewski, Grand Officier de l'Ordre Impérial de la Légion d'Honneur, Grand-Croix de l'Ordre de St. Janvier des 2 Siciles, Grand-Croix de l'Ordre du Dannebrog de Danemark, Grand-Croix de l'Ordre du Mérite de St. Joseph de Toscane, &c., son Ambassadeur près Sa Majesté Britannique ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en due forme, sont convenus des Articles suivants :

ART. I. Les armées alliées contribueront autant que possible, dans une égale proportion, aux fournitures que l'armée Turque réclamera d'elles pendant le cours de la guerre actuelle.

II. Dans le cas où l'une des deux armées alliées se trouvera, soit par suite d'approvisionnements plus considérables, soit par toute autre cause, appelée à contribuer dans une plus forte part aux fournitures mises à la disposition de l'armée Turque, il sera, en vue d'établir une juste compensation, dressé tous les 3 mois un état des fournitures faites de part et d'autre, et l'excédant de dépense que ces comptes trimestriels constateront avoir été à la charge de l'une des deux armées alliées, lui sera remboursé par

the other. The valuation of the supplies in question shall be fixed according to a tariff which shall be previously arranged between the Commissaries-in-chief of the 2 armies.

III. When the repayment stipulated for by the preceding Article shall have to be made by the Imperial Government, it shall be made to the Paymaster-General at London, by the Consul-General of France; and when such repayment shall have to be made by the British Government, it shall also be made at London to the said Consul-General.

IV. The present Convention shall be ratified, and the ratifications shall be exchanged at London in 10 days, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done at London, the 24th day of January, in the year of our Lord 1855.

(L.S.) CLARENDON.

(L.S.) A. WALEWSKI.

l'autre pour moitié. L'évaluation des fournitures dont il s'agit, sera fixée par un tarif qu'auront préalablement arrêté de concert les Intendants-en-chef des 2 armées.

III. Le remboursement prévu par l'Article précédent s'effectuera, lorsqu'il devra être fait par le Gouvernement Impérial, entre les mains du Paymaster-General à Londres par l'intermédiaire du Consul-Général de France; et lorsqu'il devra être fait par le Gouvernement Britannique, aussi à Londres entre les mains du dit Consul-Général.

IV. La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres dans le délai de 10 jours, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le cachet de leurs armes.

Fait à Londres, le 24ème jour du mois de Janvier, de l'année de notre Seigneur 1855.

(L.S.) CLARENDON.

(L.S.) A. WALEWSKI.

Act of Accession of Sardinia to the Military
Convention between France and
Great Britain of 10 April 1854,
signed at Turin, 26 January 1855

THESE instruments, which are printed also in *Parliamentary Papers*, 1854-5, vol. LV, p. 273, and by Martens, *Nouveau Recueil Général*, vol. XV, p. 606; Solar de la Marguerite, *Traité Publics de la Royale Maison de Savoie*, vol. VIII, p. 191; and De Clercq, *Recueil des Traité de la France*, vol. VI, p. 493, are taken here from *British and Foreign State Papers*, vol. XLV, p. 43.

FRENCH, ENGLISH TEXTS

[Ratifications exchanged at Turin, March 4, 1855.]

SA Majesté le Roi de Sardaigne, de Chypre et de Jerusalem, Duc de Savoie, de Gênes, &c., Prince de Piémont, &c., ayant été invitée amicalement par leurs Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et l'Empereur des Français, à accéder à la Convention conclue et signée à Londres le 10 Avril, 1854, entre leurs dites Majestés, de laquelle Convention la teneur suit:

Leurs Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et l'Empereur des Français, décidées à prêter leur appui à Sa Majesté le Sultan Abdul Medjid, Empereur des Ottomans, dans la guerre qu'elle soutient contre les agressions de la Russie, et amenées, en outre, malgré leurs efforts sincères et persévérans pour maintenir la paix, à devenir elles-mêmes parties belligérantes dans une guerre qui sans leur intervention active eût menacé l'existence de l'équilibre Européen et les intérêts de leurs propres Etats, ont en conséquence résolu de conclure une Convention destinée à déterminer l'objet de leur alliance, ainsi que les moyens à employer en commun pour le remplir, et nommé à cet effet pour leurs Plénipotentiaires:

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable George Guillaume Frédéric, Comte de Clarendon, Baron Hyde de Hindon, Pair du Royaume Uni, Conseiller de Sa Majesté Britannique en Son Conseil Privé, Chevalier du Très Noble Ordre de la Jarretière, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères ;

Et Sa Majesté l'Empereur des Français, le Sieur Alexandre Colonna, Comte de Walewski, Grand Officier de l'Ordre Impérial de la Légion d'Honneur, Grand-Croix de l'Ordre de Saint Janvier des 2 Siciles, Grand-Croix de l'Ordre du Danebrog de Danemarck, Grand-Croix de l'Ordre du Mérite de Saint Joseph de Toscane, &c., son Ambassadeur près Sa Majesté Britannique ;

Lesquels, s'étant réciproquement communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants :

ART. I. Les Hautes Parties Contractantes s'engagent à faire ce qui dépendra d'elles, pour opérer le rétablissement de la paix entre la Russie et la Sublime Porte sur des bases solides et durables, et pour garantir l'Europe contre le retour des regrettables complications qui viennent de troubler si malheureusement la paix générale.

II. L'intégrité de l'Empire Ottoman se trouvant violée par l'occupation des Provinces de Moldavie et de Valachie, et par d'autres mouvements des troupes Russes, leurs Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et l'Empereur des Français, se sont concertées, et se concerteront, sur les moyens les plus propres à affranchir le territoire du Sultan de l'invasion étrangère, et à atteindre le but spécifié dans l'Article I. Elles s'engagent à cet effet à entretenir, selon les nécessités de la guerre, appréciées d'un commun accord, des forces de terre et de mer suffisantes pour y faire face, et dont les arrangements subséquents détermineront, s'il y a lieu, la qualité, le nombre, et la destination.

III. Quelqu'événement qui se produise en conséquence de l'exécution de la présente Convention, les Hautes Parties Contractantes s'obligent à n'accueillir aucune ouverture ni aucune proposition tendant à la cessation des hostilités, et à n'entrer dans aucun arrangement avec la Cour Impériale de Russie, sans en avoir préalablement délibéré en commun.

IV. Animées du désir de maintenir l'équilibre Européen, et ne poursuivant aucun but intéressé, les Hautes Parties Contractantes renoncent d'avance à retirer aucun avantage particulier des événements qui pourront se produire.

V. Leurs Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et l'Empereur des Français, recevront avec

empressement dans leur alliance, pour co-opérer au but proposé, celles des autres Puissances de l'Europe qui voudraient y entrer.

VI. La présente Convention sera ratifiée, et les ratifications seront échangées à Londres dans l'espace de 8 jours.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le sceau de leurs armes.

Fait à Londres, le 10 Avril, l'an de grâce, 1854.

(L.S.) CLARENDON.

(L.S.) A. WALEWSKI.

Sa Majesté le Roi de Sardaigne, voulant donner à leurs Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et l'Empereur des Français, toutes les preuves d'amitié et de confiance qui sont en son pouvoir, a autorisé le Soussigné pour en son nom donner acte de cette accession.

En conséquence le Soussigné, Comte Camille Benso de Cavour, Chevalier Grand-Croix décoré du Grand Cordon de l'Ordre des Saints Maurice et Lazare, de la Légion d'Honneur de France, des Ordres de Léopold de Belgique, et du Sauveur de Grèce, Président du Conseil des Ministres, Ministre Secrétaire d'Etat pour les Affaires Etrangères, Notaire de la Couronne, déclare que Sa Majesté Sarde accède par le présent Acte à la susdite Convention en celles de ses clauses dont l'objet n'est pas encore rempli, et s'engage notamment à se concerter, lorsque besoin sera, avec Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur des Français, pour procéder, conformément à l'Article II, à la conclusion des arrangements de détail qui régleraient l'emploi de ses forces de terre et de mer, et détermineraient les conditions et le mode de leur co-opération avec celles de la Grande Bretagne et de la France.

Le présent Acte d'Accession sera ratifié aussitôt après la remise de l'Acte d'Acceptation, et l'échange des ratifications aura lieu à Turin.

Turin, le 26 Janvier, 1855.

(L.S.) C. CAVOUR.

BRITISH ACT of Acceptance of the Accession of the King of Sardinia.—Turin, January 26, 1855.

[Ratifications exchanged at Turin, March 4, 1855.]

His Majesty the King of Sardinia having, by the Act of Accession signed in His name by His Minister for Foreign Affairs, acceded to the Convention concluded at London on the 10th of April, 1854, between Her Majesty the Queen of the United Kingdom of Great

Britain and Ireland, and His Majesty the Emperor of the French, which Act of Accession is as follows :

Here follows the Act of Accession of January 26, 1855.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has authorized the Undersigned, Her Envoy Extraordinary and Minister Plenipotentiary at the Court of Turin, furnished with her full powers to that effect, formally to accept the said Accession.

The Undersigned accordingly, in virtue of his full powers, declares that Her Britannic Majesty accepts the said Accession on the part of His Majesty the King of Sardinia, and that Her Britannic Majesty reciprocally engages, on her part, to co-operate with His Sardinian Majesty for the accomplishment of all the obligations contained in the Convention of the 10th April, 1854.

The present Act of Acceptance shall be ratified, and the exchange of the ratifications of the Accession on the one part, and of the ratifications of the Acceptance on the other part, shall take place at Turin in fifteen days, or sooner if possible.

In witness whereof, we, the Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at the Court of His Majesty the King of Sardinia, have signed the present Act of Acceptance, and have affixed thereto the seal of our arms.

Done at Turin, the 26th of January, 1855.

(L.S.) JAMES HUDSON.

Military Convention between France,
Great Britain and Sardinia,
signed at Turin, 26 January 1855

THIS Convention, which was supplemented by that between Great Britain and Sardinia of the same date (annexed), is taken here from *British and Foreign State Papers*, vol. XLV, p. 46, being printed also in *Parliamentary Papers*, 1854-5, vol. LV, p. 279, and by Hertslet, *Map of Europe by Treaty*, p. 1228; Martens, *Nouveau Recueil Général*, vol. XV, p. 609; De Clercq, *Recueil des Traités de la France*, vol. VI, p. 494; and Solar de la Marguerite, *Traités Publics de la Royale Maison de Savoie*, vol. VIII, p. 268.

FRENCH TEXT

[Ratifications exchanged at Turin, March 4, 1855.]

SA Majesté le Roi de Sardaigne ayant accédé au Traité d'Alliance conclu et signé à Londres le 10 Avril, 1854, entre Leurs Majestés la Reine du Royaume Uni de Grande Bretagne et d'Irlande, et l'Empereur des Français, et s'étant engagé à se concerter, lorsque besoin sera, avec Leurs dites Majestés pour procéder, conformément à l'Article II du Traité du 10 Avril, à la conclusion des arrangements de détail qui régleraient l'emploi de ses forces de terre et de mer, et détermineraient les conditions et le mode de leur coopération avec celles de la Grande Bretagne et de la France, Leurs Ma-

jestés la Reine du Royaume Uni de Grande Bretagne et d'Irlande, l'Empereur des Français, et le Roi de Sardaigne, ont en conséquence résolu de conclure une Convention Militaire destinée à régler les conditions et le mode de la co-opération des troupes Sardes avec celles de la Grande Bretagne et de la France, et nommé à cet effet pour leurs Plénipotentiaires :

Sa Majesté la Reine du Royaume Uni de Grande Bretagne et d'Irlande, le Sieur James Hudson, Chevalier du Très Honorable Ordre du Bain, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Sardaigne ;

Sa Majesté l'Empereur des Français, le Duc de Guiche, Officier de l'Ordre Impérial de la Légion d'Honneur, Grand-Croix de l'Ordre Royal de Frédéric de Wurtemberg, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Sardaigne ;

Et Sa Majesté le Roi de Sardaigne, le Comte Camille de Cavour, Président du Conseil des Ministres, et Son Ministre des Affaires Etrangères, Grand-Croix de l'Ordre des Saints Maurice et Lazare, Grand-Croix de l'Ordre Impérial de la Légion d'Honneur ;

Lesquels, s'étant réciproquement communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants :

Art. I. Sa Majesté le Roi de Sardaigne fournira pour les besoins de la guerre un Corps d'Armée de 15,000 hommes, organisé en 5 brigades, formant 2 divisions et 1 brigade de réserve, sous le commandement d'un Général Sarde.

II. Aussitôt après l'échange des ratifications de la présente Convention, on procédera immédiatement à la formation de ce corps et à l'organisation des services administratifs, pour qu'il puisse être prêt à partir le plus tôt possible.

III. En exécution de l'Article I de la présente Convention, le Corps d'Armée de Sa Majesté le Roi de Sardaigne sera composé d'Infanterie, de Cavalerie, et d'Artillerie proportionnellement à sa force effective.

IV. Sa Majesté le Roi de Sardaigne s'engage à maintenir le corps expéditionnaire au chiffre de 15,000 hommes, par l'envoi successif et régulier des renforts nécessaires.

V. Le Gouvernement Sarde pourvoira à la solde et à la subsistance de ses troupes :

Les Hautes Parties Contractantes se concerteront pour assurer et faciliter à l'armée Sarde l'approvisionnement de ses magasins.

VI. Leurs Majestés la Reine du Royaume Uni de Grande Bretagne et d'Irlande et l'Empereur des Français garantissent l'intégrité des Etats de Sa Majesté le Roi de Sardaigne, et s'engagent à les défendre contre toute attaque pendant la durée de la présente guerre.

VII. La présente Convention sera ratifiée, et les ratifications seront échangées à Turin le plus tôt que faire se pourra.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le sceau de leurs armes.

Fait à Turin, le 26 Janvier, l'an de grâce 1855

(L.S.) JAMES HUDSON.

(L.S.) GUICHE.

(L.S.) C. CAVOUR.

Convention between France and Great
Britain relative to the Establishment of an
Electric Telegraph between
Bucharest and Varna,
signed at London, 1 February 1855

THIS Convention, the ratifications of which were exchanged at London on 28 February 1855, is reproduced here from *British and Foreign State Papers*, vol. XLV, p. 5, being printed also in *Parliamentary Papers*, 1854-5, vol. LV, p. 31; *Hertslet's Commercial Treaties*, vol. XII, p. 428; as well as by Martens, *Nouveau Recueil Général*, vol. XV, p. 616, and De Clercq, *Recueil des Traités de la France*, vol. VI. n. 106.

ENGLISH /
FRENCH TEXTS

[Ratifications exchanged at London, February 28, 1855.]

HER Majesty the Queen of the	SA Majesté la Reine du Roy-
United Kingdom of Great Bri-	aume Uni de la Grande Bre-

tain and Ireland, and His Majesty the Emperor of the French, wishing to ensure rapid communication between their Governments and the allied armies in the Crimea, by the establishment of a line of electric telegraph between Bucharest and Varna, they have invested with full powers to make an arrangement for that purpose, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, Knight Grand Cross of the Most Honourable Order of the Bath, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs ;

And His Majesty the Emperor of the French, the Sieur Alexander Colonna, Count Walewski, Grand Officer of the Imperial Order of the Legion of Honour, Grand Cross of the Order of St. Januarius of the 2 Sicilies, Grand Cross of the Order of Danebrog of Denmark, Grand Cross of the Order of Merit of St. Joseph of Tuscany, &c., his Ambassador to Her Britannic Majesty ;

Who, after having communicated to each other their full powers, found in due form, have agreed upon the following Articles :

tagne et d'Irlande, et Sa Majesté l'Emperor des Français, voulant assurer la rapidité des correspondances entre leurs Gouvernements et les armées alliées en Crimée, par l'établissement d'une ligne de télégraphe électrique entre Bucharest et Varna, ont muni de leurs pleins pouvoirs pour s'entendre à cet effet, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable George Guillaume Frédéric, Comte de Clarendon, Baron Hyde de Hindon, Pair du Royaume Uni, Conseiller de Sa Majesté Britannique en son Conseil Privé, Chevalier du Très Noble Ordre de la Jarretière, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères ;

Et Sa Majesté l'Empereur des Français, le Sieur Alexandre Colonna, Comte Walewski, Grand Officier de l'Ordre Impérial de la Légion d'Honneur, Grand Croix de l'Ordre de St. Janvier des 2 Siciles, Grand Croix de l'Ordre du Danebrog de Danemark, Grand Croix de l'Ordre du Mérite de St. Joseph de Toscane, &c., Son Ambassadeur près Sa Majesté Britannique.

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en due forme, sont convenus des Articles suivants :

ART. I. A line of electric telegraph, in continuation of the Austrian lines, is to be laid down by the French Government between Bucharest and Varna, passing through Schumla, Silistria, and Routschouk. Half the expense of its construction to be defrayed by the English Government, after the completion of the works, upon inspection of the accounts.

II. The French Government is likewise to ensure, by its agents, the superintendence and the working of the line, in consideration of an annual reimbursement of one-half of the expenses.

III. Official despatches, coming either from the 2 Governments, or from the head-quarters of the allied armies, are to have precedence of transmission over all others, and on a footing of perfect equality for the 2 countries. With regard to despatches arriving at the same moment, the order of precedence in their transmission is to be alternate. The same rules to apply to private despatches, English and French.

IV. Despatches, whether official or private, are to be paid for according to a scale to be determined upon by common agreement. The receipts to be divided equally between the 2 Governments. A system of optional prepayment to be organized.

V. If at any time after the construction of the line, one of the 2 Governments desires that more wires should be established, they are to be laid

ART. I. Une Ligne de télégraphe électrique, faisant suite au réseau Autrichien, sera construite par le Gouvernement Français entre Bucharest et Varna, en passant par Choumla, Silistrie, et Routschouk. La moitié des frais de construction sera remboursée par le Gouvernement Anglais, après l'achèvement des travaux, sur le vu de pièces justificatives.

II. Le Gouvernement Français assurera de même, par ses agents, la surveillance et l'exploitation de la ligne, moyennant le remboursement annuel de la moitié de la dépense.

III. Les dépêches officielles émanant soit des 2 Gouvernements, soit du quartier-général des armées alliées, seront transmises par priorité sur toutes les autres, et sur le pied d'une parfaite égalité pour les 2 nations. Pour celles qui arriveront simultanément, on suivra dans la transmission la règle de l'alternat. Il en sera de même pour les dépêches privées Anglaises et Françaises.

IV. Les dépêches, tant officielles que privées, seront taxées d'après un tarif déterminé d'un commun accord. Le produit sera partagé par portions égales entre les 2 Gouvernements. Un mode d'affranchissement facultatif sera organisé.

V. Si à un moment quelconque après l'établissement de la ligne, l'un des 2 Gouvernements demandait l'établissement de nouveaux fils, ils seraient posés et

down and worked by the French Government, under the conditions fixed by the preceding Articles.

The English Government may have an agent attached to the administration of the line, to superintend the execution of the present agreement, in regard to all that concerns British interests.

VI. The accounts between the 2 Governments, arising on the one hand from the expense of superintending and working the line, and, on the other, from the receipts for despatches and messages, shall be made up at the end of each year; and after they have been examined and settled, the balance which may be due by either party shall be forthwith paid to the other.

VII. The present Convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done at London, the 1st day of February, in the year of our Lord 1855.

(L.S.) CLARENDON.

(L.S.) A. WALEWSKI.

exploités par le Gouvernement Français aux conditions fixées par les Articles précédents.

Le Gouvernement Anglais pourra avoir un commissaire auprès de l'administration de cette ligne, pour veiller à l'exécution du présent contrat en ce qui concerne les intérêts Britanniques.

VI. Les comptes entre les 2 Gouvernements, provenant d'un côté des frais de surveillance et d'exploitation de la ligne, et de l'autre des recettes pour dépêches et messages, seront arrêtés à la fin de chaque année; et après qu'ils auront été examinés et réglés, le solde qui pourra être dû par l'une des 2 parties sera immédiatement payé à l'autre.

VII. La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres le plus tôt possible.

En foi de quoi les Plénipotentiaires respectifs ont signée la présente Convention, et y ont apposé le cachet de leurs armes.

Fait à Londres, le 1er jour du mois de Février, de l'année de notre Seigneur 1855.

(L.S.) CLARENDON.

(L.S.) A. WALEWSKI.

Convention between Great Britain and Turkey
for the Employment of a Body of
Turkish Troops in the British Service,
signed at Constantinople, 3 February 1855

THE English text of this Treaty, which was drawn up also in Turkish, is reproduced here from *British and Foreign State Papers*, vol. XLV, p. 9. The Convention, the ratifications of which were exchanged at Constantinople on 12 March 1855, is printed also in *Parliamentary Papers*, 1854-5, vol. LV, p. 221; *Hertslet's Turkish Treaties*, p. 776; and by Hertslet, *Map of Europe by Treaty*, p. 1231, and Martens, *Nouveau Recueil Général*, vol. XV, p. 620.

ENGLISH TEXT

[Ratifications exchanged at Constantinople, March 12, 1855.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, with a view to the more effectual prosecution of the war in which Her Majesty, the Emperor of the French, and His Imperial Majesty the Sultan are engaged, having proposed to His Imperial Majesty the Sultan to take into the British service for a time, and in all respects provide for, such a proportion of Turkish troops as might be agreed upon between Her Majesty and the Sultan; and His Imperial Majesty the Sultan having signified his concurrence in that proposal of his Ally; their said Majesties have seen fit to conclude a Convention for the purpose of determining the conditions on which such Turkish troops shall be employed, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Stratford, Viscount Stratford de Redcliffe, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, and Her Ambassador Extraordinary and Plenipotentiary to the Ottoman Porte;

And His Imperial Majesty the Sultan, Mustapha Rechid Pacha, His Grand Vizier; and Mehemed Aali Pacha, His Minister for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:

ART. I. Her Britannic Majesty engages to take into her service a body of Turkish regular troops, to consist of 20,000 men of all arms. Of the above-mentioned troops, 15,000 shall be detached from the regular troops now serving with the armies of the Sultan, and in addition thereto, the Sublime Porte engages to assign for the same purpose 5,000 of the *Rediff*, to be taken either from those now serving in His Majesty's armies, or from those who at present form the reserve.

The troops thus engaged in Her Britannic Majesty's service may be employed in any manner which may be deemed advisable for the purposes of the present war by his Excellency the Commander of the British forces in the East.

* Signed in the English and Turkish languages.

II. The Turkish troops mentioned in the preceding Article, whether regulars or *Redif's*, shall be placed under the command of one or more general officers to be named by Her Britannic Majesty, who shall severally receive from the Porte the rank and precedence of a general officer in the Turkish service; and Her Britannic Majesty will further appoint such a number of superior British officers as she may deem sufficient for the maintenance of the troops in a proper state of discipline and efficiency.

His Imperial Majesty the Sultan engages to confer upon the officers thus selected by Her Britannic Majesty such rank in the Turkish service as Her Majesty may recommend, and as may be sufficient to ensure the necessary subordination of the Ottoman officers and men employed in Her Majesty's service.

The Turkish troops in question shall, in every respect, be subject to the discipline and regulations of the British service. The colour of their uniform shall be left to the discretion of the Commander-in-chief of the British army, but its general style and appearance shall be similar to those of the regular Turkish army.

III. The Turkish troops, on being made over to the British service, shall bring with them, in the first instance, their arms and accoutrements; but Her Britannic Majesty engages thenceforward to provide for the arming, equipment, pay, clothing, and maintenance of the whole of the troops thus placed at her disposal, and to furnish everything that may be necessary to enable them to take the field, as well as to provide the means of conveyance of the same from point to point by sea, whenever necessary.

The pay of the Turkish officers and men shall correspond with the rate to which they would be entitled in the Sultan's service.

IV. Her Britannic Majesty further engages that the Turkish officers and men to be so employed in her service shall in no way be interfered with as regards the observance of the rites and ceremonies of their religion.

V. The date at which the Turkish troops shall begin to be at the charge of Her Britannic Majesty, as well as all the details of the arrangement which forms the object of the present Convention, shall be settled by officers to be named for that purpose by the Government of the 2 High Contracting Parties.

VI. When the present war shall be terminated by the conclusion of a Treaty of Peace, the whole of the soldiers forming the body of troops to which this Convention relates, together with all the Turkish officers, shall be placed at the disposal of the Turkish Government, which shall be at liberty either to incorporate them with the Turkish army, or to disband them either wholly or in part.

VII. It is understood by the High Contracting Parties, in explanation of such parts of the preceding Articles, particularly the second and third, as relate to the maintenance and discipline of the troops in question, that rations shall be issued to them according to their established custom, and that punishments, whenever they are unfortunately deserved, shall be inflicted, as before, according to the system pursued in the Turkish army.

VIII. It is further understood between the Contracting Parties, that the proportions of the different arms among the regular troops to be thus made over to the service of the British Government shall be regulated according to the usage of the British or of the Turkish army, subject to such modifications as may be deemed necessary in practice by the British Commanding Officers; and that the stipulations of the IIIrd Article of this Convention, which engages that the Turkish troops shall bring with them in the first instance their arms and accoutrements, shall also be understood to apply to the horses of the cavalry and to the train of artillery, with all that appertains to both, and generally to a division or *corps d'armée* prepared to take the field.

IX. The present Convention shall be ratified, and the ratifications shall be exchanged at Constantinople in the space of 6 weeks, or sooner if possible, from the day of signature.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in duplicate for one and the same purpose, at Constantinople, the 3rd day of February, 1855.

(L.S.) STRATFORD DE REDCLIFFE.

(L.S.) RECHID.

(L.S.) AALI.

Treaty of Commerce, Navigation and
Delimitation between Japan and Russia,
signed at Simoda, 26 January (7 February) 1855

THIS Treaty, which is printed also by Le Sur, *Annuaire Historique Universel*, 1855, Supplement, p. 347, is reproduced here from *British and Foreign State Papers*, vol. LVII, p. 1054.

FRENCH TEXT

[Ratifications échangées à Simoda, le ^{25 Novembre,}
7 Décembre,] 1856.]

LES Plénipotentiaires de Sa Majesté l'Empereur de Toutes les Russies, l'Aide-de-Camp-Général Vice-Amiral Euphème Poutiatine ; et de Sa Majesté le Grand Souverain du Japon, Tsoutsouï-Khizenno-Kami et Kavadzi-Saïémonno-Dzio, ont arrêté et conclu, dans la ville de Simoda, le 26 Janvier, 1855 (ou le 21^e jour du 12^{ème} mois de la première année Ansey), un Traité et des Articles explicatifs qui contiennent ce qui suit :

Voulant assurer la paix et l'amitié entre la Russie et le Japon, et les consolider par un Traité, Sa Majesté l'Empereur de Toutes les Russies a nommé pour son Plénipotentiaire son Aide-de-camp et Vice-Amiral Euphème Poutiatine, et Sa Majesté le Grand Souverain du Japon a nommé de son côté pour ses Plénipotentiaires ses illustres sujets Tsoutsouï-Khizenno-Kami et Kavadzi-Saïémonno-Dzio.

Lesquels Plénipotentiaires ont arrêté les Articles suivants :

ART. I. Il y aura à l'avenir paix et amitié sincère entre la Russie

et le Japon. Les Russes et les Japonais jouiront dans les possessions des deux Etats, de toute protection et assistance, tant pour leur sûreté personnelle que par rapport à l'inviolabilité de leurs propriétés.

II. La frontière entre la Russie et le Japon passera désormais entre les îles Itouroup et Ouroup. L'île Itouroup appartient tout entière au Japon, et l'île Ouroup, ainsi que les autres îles Kouriles situées au nord de cette île, appartiennent à la Russie. Quant à l'île Krafto (Sakhaline ou Saghalien), elle reste, comme par le passé, indivise entre la Russie et le Japon.

III. Le Gouvernement du Japon ouvre 3 ports aux navires Russes, savoir : Simoda, dans la Principauté de Idzou ; Hakodadi, dans la Province de Hakodadi ; et Nagasaki, dans la Principauté de Khisen. Dans ces 3 ports, les navires Russes pourront réparer leurs avaries, s'approvisionner d'eau, de bois de chauffage, d'aliments et autres objets nécessaires, de charbon de terre même, là où il s'en trouverait ; ils paieront tous ces objets en monnaie d'or ou d'argent, ou à défaut d'espèces, en marchandises de leur chargement.

A l'exception desdits ports, les navires Russes ne visiteront aucun autre port, sauf les cas de nécessité absolue, lorsqu'ils seront dans l'impossibilité de continuer leur route. Les dépenses faites dans ce cas seront remboursées dans un des ports ouverts aux navires.

IV. Toute assistance sera prêtée dans les deux Etats aux navires naufragés et à leurs équipages ; ces derniers seront expédiés dans un des ports ouverts ; pendant toute la durée de leur séjour sur le territoire étranger, ils jouiront de la liberté en se soumettant aux lois équitables du pays.

V. Les Russes ont la faculté de faire dans les deux premiers des ports ouverts (Simoda et Hakodadi), l'échange des marchandises, objets et monnaies qu'ils auront apportés, contre les marchandises et les objets qu'ils désireraient acquérir.

VI. Le Gouvernement Russe nommera, lorsqu'il le jugera nécessaire, un Consul dans l'un des deux premiers ports susnommés.

VII. Chaque fois qu'une question ou une affaire quelconque aura été jugée ou décidée, elle le sera scrupuleusement par le Gouvernement du Japon.

VIII. Tout Russe au Japon, et tout Japonais en Russie, jouira toujours d'une liberté complète et ne sera soumis à aucune vexation. Tout individu qui aurait commis un crime peut être arrêté, mais il ne peut être jugé que selon les lois de son pays.

IX. En considération du voisinage des deux Etats, les sujets Russes participeront de plein droit à tous les droits et privilèges que le Gouvernement du Japon a déjà accordés ou accordera par la suite aux sujets des autres nations.

Le présent Traité sera ratifié par Sa Majesté l'Empereur de

Toutes les Russies et par Sa Majesté le Grand Souverain du Japon, ou par leurs Plénipotentiaires, ainsi que cela est mentionné dans les Articles Séparés annexés au présent Traité, et les ratifications en seront échangées à Simoda dans un délai de 10 mois au moins ou à toute autre époque favorable.

Présentement, on échangera des copies du Traité, revêtues des signatures et des sceaux des Plénipotentiaires des deux Puissances; les dispositions du Traité entreront en vigueur dès le jour de sa signature et seront fidèlement et inviolablement observées par les Parties Contractantes.

Fait et signé à Simoda, le 26 Janvier, 1855, ou le 2ème jour du 12ème mois de la première année Ansey.

(L.S.) C. E. POUTIATINE.

(L.S.) TSOUTSOUI-KHIZENNO-KAMI.

(L.S.) KAVADZI-SAIEMONNO-DZIO.

ARTICLES explicatifs du Traité, confirmés par les Plénipotentiaires Russes et Japonais.

AD. ART. III (a). Dans les deux premiers ports désignés dans le Traité, les Russes pourront librement circuler dans la ville de Simoda et ses environs dans un rayon de 7 milles Japonais, en partant de l'Ile Inoubassiri; à Hakodadi dans un rayon de 5 lieues Japonaises. Il leur est permis de visiter les boutiques, les temples, et de se reposer dans les maisons provisoirement désignées à cet effet en attendant la construction d'auberges spéciales; ils n'entreront dans les maisons des particuliers que lorsqu'ils y auront été invités. A Nagasaki ils se conformeront à ce qui sera statué par la suite pour les autres nations.

(b.) Pour la sépulture des morts, il sera réservé dans chacun des ports un terrain spécial, qui sera inviolablement protégé.

AD. ART. V. L'expédition des marchandises se fera dans un bâtiment désigné à cet effet pour le Gouvernement; les marchandises et la monnaie d'or et d'argent apportées par les Russes y seront déposées. Les Russes après avoir choisi dans les boutiques les marchandises et objets qui leur conviennent et être convenus de leur prix avec les vendeurs, effectueront le paiement ou l'échange des marchandises dans ledit entrepôt par l'entremise des employés Japonais.

AD. ART. VI (a). Les Consuls Russes seront nommés dès l'année 1856.

(b.) Les édifices et le terrain nécessaires pour l'installation du

Consulat seront désignés par le Gouvernement du Japon. Les Russes y demeureront d'après leurs lois et coutumes.

AD. ART. IX. Les droits et privilèges qui seront reconnus aux autres nations, quelle que soit d'ailleurs leur nature, s'étendront par ce fait même sur les sujets Russes, ainsi qu'il est dit dans l'Article IX, sans qu'on ait besoin de recourir à de nouvelles négociations.

Les présents Articles explicatifs ont la même force que le Traité et sont également obligatoires pour les deux Parties Contractantes. En foi de quoi ils ont été signés par les Plénipotentiaires des deux Puissances, et revêtus de leurs sceaux.

(L.S.) C. E. POUTIATINE.

(L.S.) TSOUTSOU-KHIZENNO KAMI.

(L.S.) KAVADZI-SAIEMONNO-DZIO.

Convention between Austria and Turkey
relative to the Austrian Rights of Pasture
in Bulgaria,
signed at Constantinople, 7 February 1855

THIS arrangement, which is printed also by Martens, *Nouveau Recueil Général*, vol. XVI(2), p. 615; Testa, *Recueil des Traités de la Porte Ottomane*, vol. X, p. 475; and Noradounghian, *Recueil d'Actes Internationaux de l'Empire Ottoman*, vol. II, p. LXVIII, is taken here from Neumann, *Recueil des Traités et Conventions conclus par l'Autriche*, vol. VI, p. 217.

GERMAN TEXT

Erlass des Ministeriums der auswärtigen Angelegenheiten vom 1. Juli 1855, gültig für den ganzen Umfang des Reiches, womit die, zwischen der kaiserlich-österreichischen Regierung und der osmanischen Pforte vereinbarte Weideordnung für die österreichischen Schafhirten in Bulgarien kundgemacht wird.

Vertragsmässig zwischen der k. k. Regierung und der osmanischen Pforte vereinbarte Weideordnung für die österreichischen Schafhirten in Bulgarien.

Unterzeichnet zu Constantinopel am 7. Februar 1855; ratificirt von Seite der Pforte in Folge grossherrlicher Entschliessung laut Note des osmanischen Ministers der auswärtigen Angelegenheiten an die k. k. Internuntiaturn vom 9. Februar, und von Seite Oesterreichs laut Erlasses des k. k. Ministers des Aeussern an die Internuntiaturn in Folge einer Allerhöchsten Resolution vom 26. Mai 1855.

Schafwirthe, sogenannte Mokbanen, mit ihren Hirten und Knechten österreichischer Unterthanschaft, pflegen alljährlich im Herbste bei Rustschuk, Tortokai, Silistria, Rassova, Hirsova und Matschin die Donau zu übersetzen, und mit ihren Herden von Schafen und anderem Zuchtvieh die freiliegenden Gründe in den

Bezirken von Isakdscha, Tultscha, Babadagh, Hirsova, Kustendscho, Mangalia, Bazardschik, Baltschik, Varna und Cavarna zum Behufe der Weide und Ueberwinterung zu besuchen.

Um diese Verhältnisse für Gegenwart und Zukunft zu regeln, und zugleich die von den Mokanen für ihre Schafe und sonstiges Vieh zu entrichtende Gebühr in entsprechender Weise festzustellen, wurde eine, aus den Unterzeichneten zusammengesetzte Commission gebildet, welche nach umfassenden und wiederholten Berathungen die nachstehende Weideordnung vereinbart hat:

§. 4. Die, alljährlich über die Donau auf diesseitige bekannte Weideplätze herüberkommenden, Mokanen und deren Hirten, sowie jene derselben, die bereits gegenwärtig alldort sind, haben sich über ihre österreichische Unterthanschaft mittelst gültiger Urkunden vor den betreffenden osmanischen Behörden und k. k. Consular-Organen auszuweisen.

Diejenigen unter ihnen, welche derlei Urkunden vorweisen, können die, den nachstehenden Bestimmungen entsprechende Behandlung in Anspruch nehmen, sowie ihnen Seitens der osmanischen Behörden tractatmässiger Schutz und Schirm, wie derselbe sämmtlichen Unterthanen des kaiserlichen Hofes gebührt, zu Theil werden wird.

Weder hinsichtlich ihrer Person, noch hinsichtlich ihrer Habe, darf die geringste Bedrückung stattfinden, und wer gegen diese Vorschrift handeln wird, macht sich verantwortlich und strafbar.

§. 2. Grundsätzlich haben die Mokanen nur auf die Dauer von sechs Monaten oder Einem Jahre auf osmanisches Gebiet hertüber zu kommen, um ihre Herden in den gedachten Oertlichkeiten weiden zu lassen; sollten sich dieselben jedoch veranlasst finden, noch länger diesseits zu verweilen, so wird als äusserste Frist ihres Aufenthaltes der Zeitraum von vier Jahren festgestellt, nach dessen Ablauf sie jedenfalls in ihre Heimat werden zurückkehren müssen.

In einem solchen Falle haben die osmanischen Behörden den k. k. Consular-Organen Anzeige zu erstatten, und letztere die Rückkehr der Mokanen zu veranlassen; wenn solche dennoch nicht zurückkehren, so werden die k. k. Consular-Organen und sonstigen Behörden in die Angelegenheiten von derlei Individuen sich nicht mehr zu mischen haben.

§. 3. Von diesen alljährlich im Herbste mit ihren Herden über die Donau herüberkommenden Mokanen wird sogleich nach ihrer ersten Ankunft für sechs Monate, unter dem Titel Otlakie (Weide-Entgelt), eine Gebühr von 56 Para für jedes Schaf behoben und ausserdem von je 500 Schafen Ein Schaf verabfolgt werden.

Die, Ein Jahr lang Verweilenden haben das Doppelte, nämlich 112 Para für jedes Schaf, zu entrichten.

Von Jenen, welche bis zum Ablaufe der festgesetzten Frist von vier Jahren verbleiben, wird alle sechs Monate, nach vorgenommener Abzählung ihrer Herden, die Otlakia-Gebühr nach obigem Massstabe eingehoben werden.

§. 4. Die, zum Tragen des, den Mokanen nöthigen Gepäckes bestimmten und die Herden begleitenden, sowie die zur Beischaffung des nöthigen Wassers dienenden Pferde und Lastthiere, sind von jeder Abgabe frei. — Diese Abgabenbefreiung wird für die mitgebrachten Pferde auf Ein Pferd für je 100 Schafe beschränkt, und wenn dieses Ausmass überschritten wird, so ist für die Mehrzahl eine Gebühr von 240 Para für Ein Pferd für sechs Monate, und von 480 Para für Ein Jahr zu entrichten. — Von den aus ihrer Heimat herübergebrachten Pferde-Füllen werden je zwei Füllen als Ein Pferd gerechnet, und es ist die Gebühr dafür nach diesem Massstabe zu beheben. — Von Füllen jedoch, die diesseits (d. h. auf türkischem Boden) geworfen werden, ist während der ersten sechs Monate keinerlei Abgabe zu fordern.

Was die, zum eigenen und Wirthschaftsgebrauche der Mokanen und ihrer Hirten mitgeführten Melkkühe anbelangt, so wird für je 500 Schafe Eine Melkkuh unentgeltlich mitgeführt werden können, hingegen zahlt jede über diese festgesetzte Anzahl eingeführte Kuh für die Frist von sechs Monaten 160 Para, und für Ein Jahr 320 Para.

Zwei Kälber werden für Eine Kuh gerechnet, und ist die Gebühr von den eingeführten Kälbern darnach zu berechnen; diesseits geworfene Kälber zahlen, wie diess bei den Füllen der Fall, während der ersten sechs Monate keinerlei Abgabe.

§. 5. Die Mokanen sind nicht berechtigt, auf jedem beliebigen Acker und Grunde ihre Schafe zu weiden; sie dürfen jedoch im Privatbesitze befindliche Weiden von deren Eigenthümern auf bestimmte Zeit in Miethe nehmen, wofür sie den entfallenden Miethbetrag rechtzeitig und vollständig den Eigenthümern zu entrichten haben, und es wird ausdrücklich und strenge verboten, ihnen, ausser diesem an die Eigenthümer zu entrichtenden Pachtgelde und der, laut den §§. 3 und 4 an die osmanischen Behörden abzuführenden Gebühr, für die Benützung solcher gemietheter Weiden unter was immer für einem Titel eine anderweitige Abgabe abzunehmen.

§. 6. Die Mokanen und ihre Hirten, welche die Herden,

um sie während der Winterstrenge zu bergen, in die, am Rande der Donau und alldort befindlichen Teiche gelegenen, unter dem Namen „Balten“ bekannten Oertlichkeiten treiben wollen, können, gleich den Schafwirthen osmanischer Unterthanschaft, mit den Pächtern dieser Orte über Vermietung der ihnen nöthigen Strecken auf eine bestimmte Zeit urkundlich übereinkommen und, wenn sie den auf Grundlage gegenseitiger Vereinbarung billig festzusetzenden Pachtschilling entrichten, so darf denselben wegen der Benützung dieser Balten keine sonstige Gebühr irgend einer Art abgenommen werden.

§. 7. Wenn die Mokanen und deren Hirten im Frühlinge ihre Herden zur Lammung in die Nähe solcher Brunnen und Quellen treiben, die auf Gründen gelegen sind, welche Dorfschaften oder Privaten gehören, so werden sie diess nur dann thun dürfen, wenn die Besitzer solcher Gründe, oder die Einwohner solcher Dorfschaften, sich damit einverstanden erklären, widrigen Falles sie kein Recht dazu haben und keine Ansprüche erheben oder desshalb Streit und Zwist anfangen sollen.

Wenn sie aber die Zustimmung der Besitzer durch Erlag einer billigen Summe erlangt und solche Orte auf eine bestimmte Frist in Pacht genommen haben, so dürfen sie bis zu ihrem Abzuge von Niemandem gestört oder belästiget, noch darf von ihnen, ausser dem besagten gemeinschaftlich festgesetzten Entgelte, keinerlei weitere Gebühr für die Benützung solcher Oertlichkeiten abgefordert werden.

§. 8. Die Mokanen können nicht gezwungen werden, ihre Schafe, Lämmer und sonstiges Vieh um einen niedrigeren als den ihnen beliebigen Preis zu verkaufen. Da jedoch die in den §§. 3 und 4 festgesetzte Gebühr nur auf das Weiderecht sich bezieht und auf den Handel mit Schafen durchaus keine Anwendung findet, so werden die Mokanen für die von ihnen auf diesem Gebiete verkauften Schafe, Lämmer und anderen Thiere oder Produkte derselben, als: Haare, Wolle u. dgl., dieselben Gebühren zu entrichten haben, welche, laut den Vorschriften für inneren Handel und nach den hierüber bestehenden Tarifen, von den Kaufleuten osmanischer Unterthanschaft, welche derartigen Handel betreiben, behoben werden.

§. 9. Von Lebensmitteln, als: Mehl, Salz, Fett u. dgl., welche die Mokanen und ihre Hirten zur eigenen Verköstigung für sechs Monate bei ihrem Uebertritte auf osmanisches Gebiet mitbringen, wird weder unter dem Titel Zoll, noch unter irgend einem anderen Namen eine Abgabe eingefordert werden. Wenn sie je-

doch von Lebensmitteln mehr als die für die bezeichnete Frist nöthige Quantität oder Gegenstände einführen, deren sie sich nicht zu ihrem eigenen Gebrauche, sondern für den Handel bedienen wollen, so haben sie von jenem Ueberschusse und diesen Gegenständen den tractatmässigen Zoll von 5 Percent vollständig zu bezahlen. Von solchen Gegenständen, für welche der Einfuhrzoll bezahlt wurde, ist keine innere Abgabe mehr zu beheben, und es werden daher die Mauthbeamten verpflichtet seyn, den Mokanen die Entrichtung der obgedachten Zollgebühr mittelst gedruckter Empfangsbescheinigungen (Teskeré) alsogleich zu bestätigen.

§. 40. Bei dem, im Herbste erfolgenden Uebertritte der Mokanen über die Donau auf osmanischen Boden werden die von ihnen herübergebrachten österreichischen Schafe und sonstiges Vieh gezählt, und die, in den §§. 3 und 4 dieser Weideordnung festgesetzten Abgaben durch den betreffenden Beamten eingehoben werden, über deren Bezahlung jedem einzelnen Mokanen gedruckte und untersiegelte Bescheinigungen auszustellen sind, in welchen die Empfangsbestätigung für die behobene Gebühr, der Vor- und Zuname des Mokanen, die Anzahl der Schafe und sonstigen Thiere, die Frist, während welcher der Mokane sich diesseits aufzuhalten gedenkt, und endlich das Datum seiner Ankunft deutlich und genau angegeben werden müssen.

Von diesen Schafen und sonstigem Viehe ist nach Ablauf der bezeichneten Frist bei der Rückkehr den Mokanen keine Gebühr mehr abzuverlangen; stellt es sich bei der Rückkehr in Folge der, bei dieser Gelegenheit wieder vorzunehmenden Abzählung heraus, dass die Anzahl der nunmehr vorhandenen Schafe die in dem Teskeré angegebene Quantität übersteigt, d. h. führen sie ausser ihren Schafen noch anderes in der Türkei angekauft Vieh aus, so hat auch von solchen, über die Zahl vorhandenen Schafen und anderem Viehe keinerlei Abgabe behoben zu werden, sobald die Mokanen mittelst Teskeré darthun, dass für diese über die Zahl vorhandenen Schafe und sonstiges Vieh bereits die festgesetzten Gebühren berichtet wurden, in welchem Falle solches frei durchgelassen werden muss.

In Ermanglung solcher Bescheinigungen ist die Otlakie-Gebühr nach dem, in den §§. 3 und 4 festgesetzten Massstabe für die Mehrzahl zu beheben.

Da aber die Schafe natürlicher Weise gegen das Frühjahr zu, in welcher Zeit die Mokanen in ihre Heimat zurückkehren, zu werfen pflegen, so sind derlei Lämmer von aller Abgabe frei. Seitens der österreichischen Consular-Organe soll darüber ge-

wacht werden, dass die Mokanen, wenn sie über die Donau setzen, den Fährlohn für die zur Ueberfahrt benützten Fahrzeuge, wie solcher an Ort und Stelle gebräuchlich, ohne Widerstand entrichten; ebenso werden die osmanischen Behörden dafür zu sorgen haben, dass die Botsleute ihrerseits keine, den gebräuchlichen Lohn übersteigenden ungesetzlichen Forderungen stellen und so die Mokanen belästigen und bedrücken.

§. 11. Den Mokanen ist gestattet, die kurz vor ihrer Rückkehr von den aus ihrer Heimat herübergebrachten österreichischen Schafen geschorene und erzeugte Wolle nach Belieben auszuführen, und zur Erleichterung der Zollbehandlung und Vermeidung jedes Zwiespaltes mit den Behörden wird festgesetzt, dass auf jedes ausgehende geschorene Schaf Eine Okka Wolle unentgeltlich, und somit, z. B. von einem Herdenbesitzer von 500 Schafen 500 Okka Wolle ganz zollfrei ausgeführt werden darf. Ebenso wird von der auf 40 bis 45 Tage ausreichenden Wegzehrung, welche die Mokanen mitführen dürfen, keinerlei Abgabe abgefordert werden. Hingegen ist sowohl von dem Mehrbetrage an Wolle, sowie von Produkten der Türkei aller Art, als da sind: Felle, Häute, Käse, Fett, wie überhaupt von Handelsartikeln jeder Gattung, welche die Mokanen in der Türkei ankaufen und nach Oesterreich ausführen, der tractatmäßige Zoll von 12 Percent nach dem Tarife zu beheben.

Da ferner von derlei Gegenständen, wofür später der Ausfuhrzoll behoben werden soll, weder die Ihtisab-Gebühr, noch sonstige innere Gebühren abgenommen werden dürfen, so ist es sowohl den Mauthbeamten als sämtlichen sonstigen Behörden untersagt, irgend eine andere als die Ausfuhr-Zollgebühr von denselben zu beheben. Wenn bei der Abzählung sich herausstellt, dass Schafe, Lämmer oder sonstige Thiere gefallen sind, so dürfen deren Häute unentgeltlich ausgeführt werden.

§. 12. Sollte einer dieser Mokanen oder ihrer Hirten mit Tod abgehen, so wird Seitens der Localbehörde weder hinsichtlich dessen Verlassenschaft irgend eine Einmengung stattfinden, noch desshalb irgend eine Abgabe erhoben werden. Vielmehr wird, damit in einem solchen Falle die Verlassenschaft des Verstorbenen nicht durch seine Verwandten oder Gefährten verloren oder verschleudert werde, bei vorhergegangener Anzeige des Todesfalles an die osmanische Behörde, von dieser der erforderliche Beistand hinsichtlich der vollständigen Uebermachung solcher Verlassenschaften an das betreffende k. k. Consular-Amt geleistet werden.

Wenn jedoch ein Unterthan der Pforte eine Schuldforderung an die Verlassenschaft geltend machen sollte, so soll diese in tractatmässiger Weise berichtet, und auf Wahrung des betreffenden Rechtes Sorgfalt verwendet werden.

§. 13. Die in Diensten der Mokanen stehenden Hirten und Knechte österreichischer Unterthanschaft werden in keiner Weise verhalten werden können, gegen ihren Willen bei osmanischen Unterthanen in Dienst zu treten. Sollten sie diess jedoch aus eigenem Antriebe wünschen, und in dieser Beziehung ein Uebereinkommen treffen, so wird man solche, falls sie nicht selbst freiwillig weiter dienen wollten, nicht zwingen können, über die ausbedungene Frist im Dienste zu verbleiben, sondern zu entlassen haben.

§. 14. Ergibt sich zwischen einem Mokanen osmanischer Unterthanschaft, und einem oder mehreren österreichischen Mokane, Hirten und Knechten ein Rechtsstreit, so hat derselbe in Gegenwart des k. k. Consuls oder seines Dolmetschers vor den osmanischen Tribunalen ausgetragen zu werden.

Die richterliche Entscheidung und Schlichtung von Streitigkeiten zwischen Mokane, Hirten oder Knechten österreichischer Unterthanschaft hingegen steht tractatmässig nur den österreichischen Consular-Behörden zu, daher Seitens der osmanischen Organe in diesen Fällen keinerlei Störung und Einmischung einzutreten hat.

§. 15. Da die Mokane und deren Hirten nur berechtigt sind, ihre Herden und anderes Vieh auf die freien, dem Fiscus gehörigen Weidegründe zu treiben, und daher nicht befugt sind, solche Aecker, Felder und Wiesen, welche den Einwohnern von Flecken und Dorfschaften gehören und nur für deren Weidebedürfnisse ausreichen, ohne Einwilligung ihrer Besitzer zu benützen, so haben die Mokane, ihre Hirten und Knechte, welche sich erlauben, im Widerspruche mit dieser Verordnung, Weidegründe und Aecker von Privaten mit ihren Herden zu betreten, und dadurch Schaden veranlassen, nach hergestelltem Beweise dafür Entschädigung zu leisten und die k. k. Consular-Organe für die Bestrafung solcher schuldiger Mokane Sorge zu tragen.

Gezeichnet:

A. v. Mihanovich,
k. k. Agent und General-Consul.

E. Graf Ludolf,
k. k. Legations-Secretär.

O. Freih. v. Schlechta,
k. k. Secretär-Dolmetsch.

Esseid Ismail Afif,
grossherrl. Beilikdschi (Reichskanzler).

Ahmed Jümni,
Muhasebedschi (Chef des Rechnungsbureaus für die Einkünfte Rumeliens).

Esseid Emin Mehmed,
Concipient im Bureau de traduction
bei der Pforte.

Gegenwärtige, von den oben unterzeichneten Commissären auf Grundlage vorhergegangener Berathungen festgestellte Weideordnung ist nur für jene Mokanen gültig, welche sich urkundlich als österreichische Unterthanen ausweisen können und gastweise für bestimmte Frist ihre Herden auf osmanisches Gebiet zur Weide treiben.

Sollten solche Mokanen, auf welche diese Weideordnung Anwendung findet, sich beikommen lassen, den Bestimmungen derselben entgegen zu handeln, so werden dieselben von den österreichischen Consular-Organen unnachsichtlich bestraft werden, gleichwie den osmanischen Behörden strenge eingeschärft werden wird, die vereinbarten Bestimmungen genau zu beobachten und keinen Eingriff in dieselben zu gestatten. Diese Weideordnung, welche für die Dauer von sieben Jahren gültig seyn soll, wird in kurzer Frist von den Ministerien der auswärtigen Angelegenheiten der beiden hohen Regierungen mittelst officieller Noten ratificirt werden, und zwei Monate nach erfolgter Ratification in Wirksamkeit treten.

Sechs Monate vor Ablauf der siebenjährigen Dauer wird diese Weideordnung zwischen den beiden Theilen abermals berathen und entweder modificirt, oder erneuert und beibehalten werden.

So beschlossen, und damit Niemand den Bestimmungen dieser Weideordnung zuwider handle, ist solche vom Minister des Aeussern der hohen Pforte und vom Internuntius des Erlauchten Kaiserhofes unterzeichnet und besiegelt worden.

Gezeichnet:

Freiherr von Bruck m. p. *Esseid Aali Mehmed Emin.*

Vorstehendes Uebereinkommen wird hiermit zur allgemeinen Kenntniss gebracht.

Wien den 1. Juli 1855.

Graf Buol-Schauenstein m. p.

Convention between Belgium and Spain
respecting the Arrest of Seamen Deserters,
signed at Madrid, 7 February 1855

THIS text and translation are taken from Garcia de la Vega, *Traités etc. concernant le Royaume de Belgique*, vol. III, p. 45. The Convention is also printed by Olivart, *Colección de los Tratados etc.*, vol. II, p. 326.

FRENCH, SPANISH TEXTS

DÉCLARATION BELGE.

Le soussigné, ministre résident de Sa Majesté le roi des Belges près Sa Majesté Catholique, etc., etc., etc., d'après les ordres de son gouvernement est autorisé à faire la déclaration suivante :

Les consuls généraux, les consuls et les vice-consuls de Sa Majesté la reine d'Espagne, pourront faire arrêter et renvoyer soit à bord, soit dans leur pays, les marins qui auraient déserté les bâtiments de leur nation dans un port de la Belgique. A cet effet, ils s'adresseront, par écrit, aux autorités locales compétentes et justifieront par l'exhibition, en original ou en copie dûment certifiée, des registres du bâtiment ou du rôle d'équi-

page, ou par d'autres documents officiels, que les individus qu'ils réclament faisaient partie du dit équipage. Sur cette demande ainsi justifiée, la remise leur sera accordée.

Il leur sera donné toute aide pour la recherche et l'arrestation desdits déserteurs qui seront même détenus et gardés dans les maisons d'arrêt du pays, à la réquisition et aux frais des consuls, jusqu'à ce que ces agents aient trouvé occasion de les faire partir. Si, pourtant, cette occasion ne se présentait pas dans un délai de deux mois, à compter du jour de l'arrestation, ces déserteurs seraient mis en liberté et ne pourraient plus être arrêtés pour la même cause.

Il est entendu que les marins, sujets de Belgique, seront exceptés de la présente disposition, à moins qu'ils ne soient naturalisés citoyens d'un autre pays.

Si le déserteur avait commis quelque délit en Belgique, son renvoi serait différé jusqu'à ce que le tribunal compétent eût rendu son jugement et que ce jugement eût reçu son exécution.

La présente déclaration, à charge de réciprocité de la part du gouvernement de Sa Majesté la reine d'Espagne, sortira ses effets six semaines après sa date et jusqu'à notification contraire.

Fait à Madrid, le 7 février 1855.

(L. S.) Comte Auguste VAN DER STRATEN-PONTHOZ.

DÉCLARATION ESPAGNOLE.

El infrascrito primer secretario de Estado de Su Majestad Catolica, a nombre del gobierno español y en justa reciprocidad de lo manifestado por el Senor ministro residente de Su Majestad el rey de los Belgas en esta Corte, en nota de fecha de este dia debitamente autorizado por su gobierno, declara :

Que los consules generales, consules y vice-consules de Su Majestad el rey de los Belgas en Espana y sus posesiones, podran hacer arrestar y enviar, sea a bordo, sea a su país, los individuos de las tripulaciones de los buques de su nacion que hubiesen desertado de los mencionados buques. Para este efecto, accediran a los autoridades locales competentes, y justificaran con los registros del buque y el rol de tripulacion o con copia de dichos papeles debidamente certificada por ellos mismos, o con otros documentos oficiales, que los individuos que reclaman hacian parte

de la expresada tripulacion. En vista de esta demanda, apoyada de este modo, no podra ser negada la entraga.

Los sera dada ademas toda clase de ayuda y asistencia para el descubrimiento y arresto de los dichos desertores, los cuales seran tambien detenidos y custodiados en las carceles del país, a peticion y a expensas de los consules, hasta que estos agentes hayan hallado una ocasion para hacerlos partir. Bien entendido que si esta ocasion no se presentase en el espacio de dos meses, a contar desde el dia del arresto, los desertores seran puestos en libertad, sin que puedan ser arrestados de nuevo por el mismo motivo.

Sin embargo, si el desertor hubiese cometido ademas algun delito en tierra, su extradicion podra ser diferida por las autoridades locales hasta que el tribunal competente haya pronunciado debidamente su sentencia por este delito y esta haya recibido cumplimiento.

Se exceptuan de la presente declaracion los individuos de las tripulaciones que sean subditos de Espana, a menos que hayan adquirido carta de naturaleza en otro país.

La presente declaracion surtira sus efectos seis semanas despues de su fecha.

Palacio, 7 de Febrero de 1855.

(L. S.) CLAUDIO ANTON DE LUZURIAGA.

Traduction de la déclaration espagnole.

Le soussigné, premier secrétaire d'Etat de S. M. Catholique, au nom du gouvernement espagnol et en juste réciprocité de ce qu'annonce dans sa note, en date d'aujourd'hui, M. le ministre résident de S. M. le roi des Belges près cette Cour, dûment autorisé par son gouvernement, déclare :

Que les consuls généraux, les consuls et les vice-consuls de S. M. le roi des Belges en Espagne et dans ses possessions pourront faire arrêter et renvoyer soit à bord, soit dans leur pays, les individus des équipages des bâtiments de leur nation qui auraient déserté de ces mêmes bâtiments.

A cet effet, ils recourront aux autorités locales compétentes et justifieront par les registres du navire et le rôle d'équipage, ou par la copie de ces documents dûment certifiée par eux-mêmes, ou par d'autres documents officiels, que les individus qu'ils réclament faisaient partie de l'équipage mentionné. Sur cette demande, ainsi justifiée, la remise ne pourra leur être refusée.

Il leur sera donné en outre toute espèce d'aide et d'assistance pour la découverte et l'arrestation desdits déserteurs qui seront même détenus et gardés dans les prisons du pays, à la réquisition et aux frais des consuls, jusqu'à ce que ceux-ci aient trouvé une occasion de les faire partir. Il est entendu que si cette occasion ne se présentait pas dans un délai de deux mois à compter du jour de l'arrestation, les déserteurs seraient mis en liberté sans qu'ils puissent être arrêtés de nouveau pour le même motif.

Toutefois, si le déserteur avait commis, en outre, quelque délit à terre, son extradition pourra être différée par les autorités locales jusqu'à ce que le tribunal compétent ait dûment rendu sa sentence à l'égard du délit et qu'elle ait reçu son exécution.

Sont exceptés de la présente déclaration, les marins sujets espagnols, à moins qu'ils n'aient pris des lettres de naturalisation dans un autre pays.

La présente déclaration sortira ses effets six semaines après sa date.

Au palais, le 7 février 1855.

(L. S.) CLAUDIO ANTON DE LUZURIAGA.

Treaty of Friendship and Commerce, and
Slave Trade Treaty, between France and
King Kosoko of Palmas (West Africa),
signed at Palmas, 8 February 1855

THESE Treaties are taken from De Clercq, *Recueil des Traités de la France*,
vol. VI, p. 497.

FRENCH TEXT

Traité d'amitié et de commerce, conclu à Palmas le 8 février 1855, entre la France et le Roi Kosoko, ses cabécères et chefs.

ART. 1^{er}. Le Roi Kosoko s'engage à faire concession absolue aux traitants français d'un emplacement ou terrain nécessaire pour y fonder leurs factoreries et dépendances, lequel terrain sera tracé par des bornes que le roi Kosoko fera mettre aux limites demandées par les Agents Français.

ART. 2. Le Roi Kosoko s'engage à faire traiter l'huile de Palme au comptant et à la porte de la factorerie, sans qu'en aucune circonstance il puisse en établir le prix au-dessus du prix courant de Lagos.

ART. 3. La mesure pour l'huile de Palme sera fixée dès le principe et cette mesure ne pourra être ni augmentée ni diminuée pour quelque motif que ce soit.

ART. 4. Le Roi Kosoko s'engage à faire fermer les chemins de la plage aux Minas ou autres serviteurs des factoreries, à faire arrêter les déserteurs et à donner assistance aux agents Français dans le cas où elle serait réclamée par eux.

ART. 5. Le Roi Kosoko s'engage à faire construire les hangards désignés par les traitants français moyennant une rétribution qui sera réglée avant le commencement des travaux.

ART. 6. Les traitants français auront le droit de faire couper : bois à brûler; bois de construction; bambous et généralement tout ce dont ils peuvent avoir besoin pour leurs établissements et leurs navires dans les endroits non désignés comme propriétés privées, sans rétribution aucune.

ART. 7. Le Roi Kosoko s'engage à faire établir un marché de provisions de toutes espèces aux villages contigus aux lieux où seront les factoreries. Ce marché aura lieu au moins de cinq en cinq jours.

ART. 8. Afin d'éviter la fraude de l'huile qui sera rendue aux factoreries françaises, le Roi délèguera un de ses chefs pour assister à la vente, afin que les naturels qui voudraient tromper les traitants français soient sévèrement punis.

ART. 9. Quand une marchandise sera rendue avec un prix convenu, il sera impossible d'en diminuer le prix plus tard.

Signé à Palmas, le 8 février 1855.

Le Commandant de l' <i>Entrepre-</i>	Le Roi Kosoko (marque). Les ca-
<i>nant</i> , DUCREST DE VILLENEUVE.	bécères et chefs : TAPA ; APELU ;
MM. les traitants Français : AUGUSTE YTIER. — L. LAMAINÈRE.	BOSSUPO ; AGUIGU ; ABAZI ; EITI,
A. LATREI-FLANDRIN. JOSÉ P.	ZAMACA ; OLCUNAN ; ATOLO ;
	AGNIA ; ODUBA ; BAGOULU.

Le commandant supérieur de Gorée et dépendances.

MONLEOU.

Traité conclu à Palmas, le 8 février 1855, entre la France et le Roi Kosoko, pour la suppression de la Traite des Noirs.

ART. 1^{er}. Le Roi Kosoko, ses cabécères et chefs s'engagent solennellement à abandonner pour toujours le commerce des esclaves. Ils s'engagent aussi à ne permettre à aucun traitant d'esclaves qui voudrait continuer cet infâme trafic de résider chez eux. Ils ne souffriront désormais d'autre commerce que le commerce licite reconnu par toutes les nations civilisées.

ART. 2. Le Roi Kosoko, ses cabécères et chefs s'engagent à donner protection et assistance à tous les traitants qui désireront s'établir chez eux dans l'intention de se livrer à un commerce légitime. Ils se serviront de leur influence pour faciliter l'arrivée de toutes

les denrées du pays aux factoreries de ces marchands. Ils veilleront à ce que l'ordre et la sécurité règnent partout.

ART. 3. Il sera payé au Roi Kosoko ou à ses délégués un droit de 1 piastre par chaque puncho de 120 gallons d'huile de Palme, et 80 cauris par livre d'ivoire, pour toute l'huile et l'ivoire qui seront embarqués soit à Palmas soit dans un autre lieu dépendant de sa juridiction.

ART. 4. Le Roi Kosoko, ses cabécères et chefs s'engagent solennellement à ne plus prendre les armes, comme ils ont fait autrefois, pour porter la guerre soit à Lagos, soit ailleurs. Ils ne viendront à cette extrémité que s'ils étaient injustement attaqués chez eux.

ART. 5. Le Roi Kosoko, ses cabécères et chefs prennent l'engagement solennel de protéger de toute leur puissance les factoreries françaises qui seront fondées sur le territoire qu'ils commandent et de ne jamais entraver le commerce des traitants français auxquels ils donneront assistance chaque fois que ceux-ci la réclameront.

ART. 6. La présente Convention ne sera mise en vigueur qu'après avoir reçu l'approbation du commandant en chef de la station française sur les côtes occidentales d'Afrique. Néanmoins le Roi Kosoko assure protection et assistance, dès ce jour, aux traitants français établis sur son territoire.

Signé à Palmas, le 8 février 1855.

(Mêmes signatures et marques, tant du côté de la France que des Rois, Cabécères et chefs du Cap Palmas, que pour le traité d'amitié et de commerce signé le même jour.) (V. ci-dessus p. 497.)

Treaty between the East India Company
(Great Britain) and Nepal,
signed at Katmandhu, 10 February 1855

THIS Treaty, which was supplemented by Memoranda of 23 July 1866 and 24 June 1881 is reproduced from Aitchison, *A Collection of Treaties etc. relating to India etc.* (5th ed.), vol. XIV, p. 69, being printed also in *Hertslet's Commercial Treaties*, vol. IX, p. 1004, and by Martens, *Nouveau Recueil Général*, vol. XVI(2), p. 127.

ENGLISH TEXT

TREATY between the HONOURABLE EAST INDIA COMPANY and HIS HIGHNESS
MAHARAJAH DHERAJ SOORINDER VIKRAM SAH BAHADOOR, Rajah of Nipal,—
10th February 1855.

Treaty between the Honourable East India Company and His Highness Maharajah Dheraj Soorinder Vikram Sah Bahadoor Shumshere Jung, Rajah of Nipal, settled and concluded on the one part by Major George Ramsay, Resident at the Court of His Highness, by virtue of full powers to that effect vested in him by the Most Noble James Andrew, Marquis of Dalhousie, Knight of the Most Ancient and Most Noble Order of the Thistle, one of Her Majesty's Most Honourable Privy Council and Governor General appointed by the Honourable Company to direct and control all their affairs in the East Indies, and on the other part by General Jung Bahadoor Koonwar Ranajee, Prime Minister of Nipal, in the name and on behalf of Maharajah Dheraj Soorinder Vikram Sah Bahadoor Shumshere Jung, Rajah of Nipal, in virtue of the powers to that effect vested in him by the said Rajah of Nipal.

ARTICLE 1ST.

The two Governments hereby agree to act upon a system of strict reciprocity as hereinafter mentioned.

ARTICLE 2ND.

Neither Government shall be bound in any case to surrender any person not being a subject of the Government making the requisition.

ARTICLE 3RD.

Neither Government shall be bound to deliver up debtors, or civil offenders or any person charged with any offence not specified in Article 4.

ARTICLE 4TH.

Subject to the above limitations, any person who shall be charged with having committed, within the territories of the Government making the requisition, any

of the undermentioned offences, and who shall be found within the territories of the other, shall be surrendered ; the offences are murder, attempt to murder, rape, maiming, thuggee, dacoity, high-way robbery, poisoning, burglary, and arson.

ARTICLE 5TH.

In no case shall either Government be bound to surrender any person accused of an offence, except upon requisition duly made by, or by the authority of, the Government within whose territories the offence shall be charged to have been committed, and also upon such evidence of criminality, as according to the laws of the country in which the person accused shall be found, would justify his apprehension, and sustain the charge if the offence had been there committed.

ARTICLE 6TH.

If any person attached to the British Residency, or living within the Residency boundaries, not being a subject of the Nipalese Government, commit in any part of the Nipalese territories, beyond the Residency boundaries, an offence which would render him liable to punishment by the Nipalese Courts, he shall be apprehended and made over to the British Resident for trial and punishment ; but subjects of the Nipal State under similar circumstances are not to be given up by the Nipalese Government for punishment. Should any Hindoostanee Merchants, or other subjects of the Honourable Company, not attached to the British Residency, who may be living within the Nipal territories, commit any crimes beyond the Residency boundaries, whereby they may render themselves liable to punishment by the Nipalese Courts, and take refuge within the limits of the Residency, they shall not be allowed an asylum but will be given up to the Nipal Government for trial and punishment.

ARTICLE 7TH.

The expenses of any apprehension, detention, or surrender made in virtue of the foregoing stipulations, shall be borne and defrayed by the Government making the requisition.

ARTICLE 8TH.

The above Treaty shall continue in force until either one or the other of the High Contracting Parties shall give notice to the other of its wish to terminate it, and no longer.

ARTICLE 9TH.

Nothing herein contained shall be deemed to affect any Treaty now existing between the High Contracting Parties, except so far as any such Treaty may be repugnant hereto.

This Treaty, consisting of nine Articles, being this day concluded and settled by Major George Ramsay, on behalf of the Honourable East India Company with Maharajah Dheraj Soorinder Vikram Sah Bahadoor Shumshere Jung, Major Ramsay

has delivered one version thereof in English, Purbutteah, and Oordoo, signed and sealed by himself, to the Maharajah, who, on his part, has also delivered one copy of the same to Major Ramsay, duly executed by His Highness, and Major Ramsay hereby engages to deliver a copy of the same to His Highness the Maharajah, duly ratified by the Governor-General in Council, within sixty days from this date.

Signed, sealed, and exchanged at Katmandhoo, Nipal, this Tenth day of February A.D., one Thousand Eight Hundred and Fifty-five corresponding to the Eighth day of Falgoon, Sumbat Nineteen Hundred and Eleven.

G. RAMSAY, Major,

Resident at the Court of Nipal.

J. DORIN.

J. P. GRANT.

B. PEACOCK.

Ratified by the Honourable the President of the Council of India in Council, at Fort William in Bengal, this twenty-third day of February, One Thousand Eight Hundred and Fifty-five.

CECIL BEADON,

Secretary to the Government of India.

